

NEBRASKA ADMINISTRATIVE CODE

TITLE 23, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 18

NEBRASKA DEPARTMENT OF AGRICULTURE

COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

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NEBRASKA ADMINISTRATIVE CODE

TITLE 23 - NEBRASKA DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

CHAPTER 18 - COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

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CHAPTER 18 - COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in the administration of the Commercial Dog and Cat Operator Inspection Act, Neb. Rev. Stat. §§54-625 to 54-643.

002 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351; Fax number (402) 471-6893.

003 Definitions. The definition of terms found in the Commercial Dog and Cat Operator Inspection Act §§54-625 to 54-643 and below shall apply to such terms when found in these regulations.

003.01 ACT means the Commercial Dog and Cat Operator Inspection Act, §§54-625 to 54-643.

003.02 ANIMAL means dogs, cats, and pet animals.

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003.03 CAGE CARD means a card that is at least 3 inches by 5 inches in size, made of a durable material or enclosed in a transparent, protective cover, and contains the name or individual identification number of the dog or cat, including a complete description of such dog or cat.

003.04 COMPLETE DESCRIPTION of a dog or cat shall include the breed or type; the sex; the date of birth or approximate age; the weight or approximate size; color; and any distinctive markings.

003.05 DISPOSED OF AND DISPOSITION means the sale, lease, exchange, barter, or any other transfer of a dog or cat, including death or euthanasia.

003.06 EMPLOYEE means any paid or unpaid individual or individuals assisting a licensee in the handling and care of the licensee's dogs or cats.

003.07 HANDLING means petting, feeding, watering, cleaning, manipulating, loading, crating, shifting, transferring, immobilizing, restraining, treating, training, working or moving, walking or exercising, or any similar activity with respect to any dog or cat.

003.08 HUMANE HANDLING, CARE, TREATMENT, AND TRANSPORTATION means the minimum requirements necessary for a dog's or cat's handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, transport in commerce, adequate veterinary care, and exercise for dogs pursuant to the Act, these regulations, and 9 C.F.R. §§3.1 to 3.19.

003.09 INDIVIDUAL IDENTIFICATION means an identification method used to identify an individual dog or cat. Approved forms of individual identification shall include tags, tattoos, microchips or cage cards containing a number or name for each dog or cat, or any other method approved by the Department.

003.10 MEDICAL PROCEDURE means vaccinations, worming treatments, x-rays, surgery, medications administered, individual physical and dental examinations, or other similar veterinary medical treatment.

003.11 PERSON means any individual, partnership, limited liability company, association, corporation, joint-stock company, political body, society, community, the public generally or organized group of persons, whether incorporated or not.

003.12 STATEMENT OF INFERTILITY means a statement signed by a veterinarian licensed to practice in Nebraska expressing the opinion that a specific dog or cat is infertile, or is not capable of initiating, sustaining, or supporting reproduction. The Statement of Infertility form is attached as Appendix G.

003.13 TUFTS ANIMAL CARE AND CONDITION SCALES FOR ASSESSING BODY CONDITION, WEATHER AND ENVIRONMENTAL SAFETY, AND PHYSICAL CARE IN DOGS: SECTION II, Weather Safety Scale (Tufts Weather Safety Scale) means the guidelines used to objectively assess the health or safety risk of a dog during adverse weather conditions. A copy of these guidelines, as they existed on January 1, 2010, is attached as Appendix F, and incorporated herein by reference.

004 Application For License. All persons operating a boarding kennel, pet shop, animal control facility, animal rescue, animal shelter, or acting as a dealer or commercial dog or cat breeder shall have a valid license issued by the Department in accordance with the act and regulations.

004.01 Any person applying for a license under the provisions of the act and regulations shall apply on an application form furnished by the Department. The applicant shall provide all information requested on the application form, including a valid mailing address through which the licensee or applicant can always be reached, and a valid premises address where dogs, cats, pet animals, dog and cat facilities, equipment, and records may be inspected for compliance. The applicant shall list on the application form or on a separate sheet attached to it, the premises, facilities or sites where a person operates, houses, has an interest in or keeps dogs, cats, and pet animals. The applicant shall file the completed application form with the Department. Application forms may be obtained by contacting the Department of Agriculture's Bureau of Animal Industry.

004.02 An applicant shall obtain a separate license for each separate physical facility requiring a license according to the act and regulations. For purposes of licensure, a separate physical facility is one which is not located on the same or adjacent parcels of land.

004.03 Any person exempt from the license requirements may voluntarily apply for a license, but shall agree in writing to comply with the requirements set forth in the act and regulations. The voluntary licensee is subject to the same inspection and enforcement actions as any other licensee.

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004.04 Before the Department issues an initial license, the application and required fee must be received and an inspector of the Department shall inspect the operation of the applicant to determine whether the applicant qualifies to hold a license pursuant to the Commercial Dog and Cat Operator Inspection Act. The initial license fee of one hundred twenty-five dollars (\$125) shall only apply to a first-time applicant. If an applicant was previously licensed pursuant to the act, and such license expired, was revoked or voluntarily relinquished, such applicant shall not be considered a first time applicant.

004.05 A license shall be issued to specific persons for specific premises, facilities and operations, and does not transfer upon change of ownership or any other change of business or operation nor is it valid at a different location.

004.06 There shall be no refund of fees if an applicant does not pass the qualifying inspection, or if a license is terminated for any reason before its expiration.

004.07 Licensees shall accept delivery of registered mail or certified mail sent by the Department.

004.08 Licenses for commercial dog or cat breeders, dealers, pet shops, and boarding kennels shall expire on March 31 of each year. Licenses for animal rescues, animal shelters, and animal control facilities shall expire on September 30 each year. Licenses shall terminate at midnight on the expiration date unless the properly completed application with the appropriate fee has been received by the Department. A person whose license has been terminated shall not conduct any activity for which a license is required by the act and regulations until requirements for issuing the license have been met and a valid license has been duly issued.

004.09 A license which has expired, been revoked, or voluntarily relinquished under the act and regulations shall be surrendered to the Department. The licensee shall provide a written statement to the Director, if the license has been lost or misplaced.

004.10 Each applicant shall make, keep, and maintain:

004.10A Records as required under section 010;

004.10B Any other information requested by the Department on the application or renewal form.

004.11 A licensee shall notify the Department in writing of any change in the name, address, management, control or ownership of the business or operation, or of additional sites, within ten (10) days of the change.

005 License Enforcement Actions.

005.01 The Director may deny issuing or renewing or may revoke or suspend a license, or place on probation a licensee on any one (1) or more of the following grounds:

005.01A Deliberate misrepresentation or concealment, including failure to disclose all locations housing dogs or cats made to employees or agents of the Department or reported on the application;

005.01B Conviction of any violation of any ~~local ordinance, county resolution, or any state or federal law, in any jurisdiction,~~ on the disposition or treatment of dogs or cats;

005.01C The failure of any person to comply with any provision of the act and regulations;

005.01D The refusal to allow the Department access to any records for the purpose of examining and copying such records required to be kept under the act and regulations;

005.01E The refusal of a licensee to allow Department employees or agents to enter and inspect all premises in or upon which dogs or cats are housed, sold, exchanged, or leased or are suspected of being housed, sold, exchanged, or leased;

005.01F The refusal of any applicant to allow Department employees or agents access to the premises to be licensed to determine if such applicant meets licensure requirements pursuant to the act and these regulations;

005.01G Failure to pay any required fees under the act and regulations. Any returned check will be deemed nonpayment of fees; or

005.01H Failure to pay any administrative fine levied pursuant to section 54-633; -

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005.01I Failure to comply with a stop-movement order pursuant to section 54-628.01- ; or

005.01J Had a license revoked, suspended, or otherwise subject to a disciplinary proceeding under any jurisdiction resulting in the applicant having voluntarily surrendered a license or permit to avoid disciplinary sanctions.

005.02 Licensees whose licenses have been suspended or revoked.

005.02A Any person whose license has been suspended or revoked for any reason shall not be licensed under such licensee's name within the period during which the suspension or revocation is in effect. No partnership, firm, corporation or other legal entity in which any such person has an interest, financial or otherwise, will be licensed during that period.

005.02B Any person who has been an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the license was suspended or revoked will not be licensed within the same period during which the suspension or revocation is in effect.

005.03 Any person whose license has been suspended may apply in writing to the Director for reinstatement of the licensee's license. Any person whose license has been revoked may apply in writing to the Director for issuance of a new license.

006 Inspections and Complaints.

006.01 All premises licensed under the act and regulations shall be inspected pursuant to §54-628, or as often as determined necessary by the Department to carry out its duties under the act and regulations. The Department will make two consecutive attempts to conduct an inspection of a licensed premise. If the licensee, or a representative of the licensee, is repeatedly unavailable, or refuses to make its premises available for inspection, the following procedures shall be implemented:

006.01A An Attempted Inspection Notice form, attached as Appendix H, will be posted in a prominent location on the premises, such as the front door of the facility or residence, with instructions to contact the Department within fifteen (15) calendar days of the attempted inspection; and

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006.01B If, after the second attempted inspection, the licensee or the licensee's representative has failed to contact the Department as requested, such failure to contact the Department may be considered by the Department as a refusal by the licensee to allow an inspection pursuant to the act. At such time, the Department may obtain an inspection warrant for purposes of inspecting the licensed premises for compliance with the act, these regulations, or both.

006.02 Any inspection conducted under the act will be performed in accordance with the act, these regulations, or both.

006.03 All complaints alleging a violation of the act, these regulations, or both, shall be reviewed and evaluated, after which the Department may assign priorities to the complaints and initiate an inspection. The priorities and inspections shall be conducted in the following descending order when determined by the Department to be reasonable and logical:

006.03A Any written or signed complaint, including those submitted by facsimile or electronic transmission, indicating that a person is in violation or is suspected to be in violation of the act, these regulations, or both;

006.03B Any complaint from an identified source indicating that a person is in violation or is suspected to be in violation of the act, these regulations, or both; or

006.03C Any complaint from an anonymous source indicating a person is in violation, or is suspected to be in violation of the act, these regulations, or both.

006.04 Any complaint indicating a dog or cat is being cruelly neglected or cruelly mistreated, which may endanger the health or safety of such dogs or cats, shall be referred to the law enforcement agency of the county in which the alleged violation is occurring. The Department may inspect such complaints for the purpose of determining if there are any violations of the act, these regulations, or both.

007 Humane Handling, Care, Treatment, and Transportation of Dogs and Cats. Licensees shall comply with the requirements of the act and these regulations regarding the humane handling, care, treatment, and transportation of dogs and cats. For the purposes of enforcement of the act and regulations, the Department adopts the specifications for the humane handling, care, treatment, and transportation of dogs and

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cats, the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA), as published in 9 C.F.R. §§ 3.1 to 3.19 (~~2013~~ 2014) (a copy of which is attached to these regulations as Appendix A and incorporated herein by reference) so long as these standards do not conflict with the act. If there is an inconsistency between the act and 9 C.F.R. §§ 3.1 to 3.19, the act shall control. If there is an inconsistency between 9 C.F.R. §§ 3.1 to 3.19, and these regulations, the regulations shall control. Humane handling, care, treatment, and transportation shall include but not be limited to, the following:

007.01 All dogs and cats shall be provided with food at least one time per day, except as otherwise directed by the attending veterinarian. Such food shall be fresh, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of dogs and cats.

007.02 Water shall be continually available to each dog and cat or it must be offered to the dogs and cats as often as necessary to ensure their health or safety, but not less than twice per day for at least one hour each time, unless restricted by the attending veterinarian.

007.03 Attending veterinarian and adequate veterinary care are required for animals under the care, supervision, or control of a commercial dog or cat breeder, pet shop, or dealer.

007.03A Each commercial dog or cat breeder, pet shop, and dealer licensed under the act and regulations shall have a written veterinary care plan with an attending veterinarian who is licensed to practice in Nebraska. The formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the licensee. Commercial dog breeders shall have the attending veterinarian annually review and update the veterinary care plan at the time of the onsite visit. The form entitled, Veterinary Care Plan, incorporated herein by reference, is attached as Appendix I and may be used to satisfy the requirements for a written veterinary care plan.

007.3B Each commercial dog or cat breeder, pet shop, and dealer licensed under the act and regulations shall establish, maintain, and follow programs of adequate veterinary care that include:

007.03B(1) The availability of appropriate facilities, employees, equipment, and services to comply with the provisions in the act and regulations;

007.03B(2) The use of appropriate methods to prevent, control, diagnose and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

007.03B(3) The maintenance of individual health records shall be kept pursuant to subsection 010.06, as follows:

007.03B(3)(a) All dogs and cats which are sixteen (16) weeks of age or older;

007.03B(3)(b) All dogs or cats younger than sixteen (16) weeks of age when permanently transferred from the litter; or

007.03B(3)(c) Any dog or cat younger than sixteen (16) weeks of age if it received any individual medical procedure, separate from the litter.

007.03B(4) Daily observation of all dogs and cats to assess their health or safety. Provided, however, that daily observation of dogs and cats may be accomplished by someone other than the attending veterinarian; and provided further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of dog or cat health, behavior, and well-being is conveyed to the attending veterinarian; ~~and~~

007.03B(5) Adequate grooming to avoid matted hair which significantly impairs a dog's health or safety or provides a nesting area for disease carrying pests or parasites- , except that breeding dogs shall not have coat matting in excess of ten percent (10%), with nails trimmed short enough to ensure the comfort of the dog; and

007.03B(6) All commercial dog breeders shall provide each breeding dog a wellness examination at least once every three years which shall include a basic physical and dental examination pursuant to §54-641.02(1)(c).

007.04 Each boarding kennel, animal control facility, animal rescue, and animal shelter shall establish, maintain, and follow a written emergency veterinary care plan. The form entitled, Emergency Veterinary Care Plan, incorporated herein by reference, is attached as Appendix J, and may be used to satisfy the

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requirements for a written emergency veterinary care plan. The written emergency veterinary care plan shall include:

007.04A The veterinarian of choice by the owner of the dog or cat that is being boarded, in the event veterinary care is needed; or

007.04B A formal arrangement with a veterinarian licensed to practice in Nebraska to provide veterinary services as needed.

007.05 Exercise for Dogs. All licensees shall establish and follow an appropriate exercise plan for each dog housed on the premises. All dogs greater than twelve weeks of age, or age specified by the attending veterinarian, shall be provided opportunity for exercise by acceptable methods which are documented by the attending veterinarian in the veterinary care plan or emergency veterinary care plan.

007.05A The exercise plan shall be in writing and available to the Department at the time of inspection. Such plan shall:

007.05A(1) Be approved and signed by the attending veterinarian, or incorporated into the veterinary care plan or emergency veterinary care plan; and

007.05A(2) State that the dog has the required exercise space listed in subparts 007.05C(1) and 007.05C(2) , below; or

007.05A(3) Identify the frequency, method, and duration of additional exercise if the exercise requirements are not otherwise met.

007.05B Exemptions to the exercise requirement of any dog shall be determined only by the attending veterinarian and shall be recorded in the veterinary care plan or emergency veterinary care plan.

007.05C Animal control facilities, animal shelters, animal rescues, boarding kennels, dealers, and pet shops shall provide exercise to dogs by using the following methods, including, but not limited to:

007.05C(1) An individually housed dog with at least 200% of its minimum required floor space;

007.05C(2) Group housed dogs with at least 100% of the minimum required floor space for each animal;

007.05C(3) Access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

007.05C(4) Positive interaction with humans, such as walking, playing ball, or grooming; and

007.05D Commercial Dog Breeders. Pursuant to ~~§54-640~~, commercial dog breeders shall provide the opportunity for exercise at least two times per day outside of a cage or pen. Access to outdoor runs may be substituted for the twice daily exercise requirement only when approved by the Department. Commercial dog breeders shall comply with the requirements set forth in §54-641.01, regarding exercise for dogs owned or harbored by such commercial dog breeders.

007.06 Primary Enclosures. All primary enclosures of dogs and cats shall meet minimum space requirements as set forth in 9 C.F.R. § 3.6, and §54-641. In addition, all licensees shall ensure that primary enclosures:

007.06A Be cleaned as often as necessary, but at least one time per day, to:

007.06A(1) Prevent contamination of the animal;

007.06A(2) Minimize disease hazards; and

007.06A(3) Reduce odors.

007.06B Be cleaned daily to remove any excreta and food waste by:

007.06B(1) Cleaning the entire primary enclosure;

007.06B(2) Cleaning soiled areas only (spot-clean); or

007.06B(3) Any other Department approved method.

007.06C Be cleaned in a manner that does not:

007.06C(1) Harm the dog or cat by the use of direct exposure to steam or harsh or toxic chemicals;

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007.06C(2) Contaminate the dog, cat, or its bedding;

007.06C(3) Wet the dog, cat or its bedding; or

007.06C(4) Distress the dog or cat, evidenced by, but not limited to, shivering, shaking, cowering, excessive howling, or whining.

007.06D Have all excreta and food waste removed daily from under the primary enclosure to prevent or reduce:

007.06D(1) Soiling of the dog or cat;

007.06D(2) Disease hazard;

007.06D(3) Pests, insects, and vermin; and

007.06D(4) Odors.

007.06E Be sanitized as often as necessary, but at least one time every two weeks, to minimize disease hazards. Primary enclosures may consist of hard surfaces or non-hard or porous surfaces.

007.06E(1) Hard surfaces, food and water receptacles, and watering systems shall be constructed of, but not limited to:

007.06E(1)(a) Sealed concrete;

007.06E(1)(b) Sealed wood;

007.06E(1)(c) Ceramic tile;

007.06E(1)(d) Stainless steel or other metals;

007.06E(1)(e) Glass board; or

007.06E(1)(f) Strong plastic laminate sheeting.

007.06E(2) Acceptable methods of sanitation for hard surfaces:

007.06E(2)(a) Washing with hot water of at least 180°F and soap or detergent;

007.06E(2)(b) Washing with a detergent solution, followed by a safe and effective disinfectant; or

007.06E(2)(c) Live steam or pressurized live steam.

007.06E(3) Non-hard or porous surfaces include, but are not limited to, dirt, sand, gravel and grass.

007.06E(4) Acceptable methods of sanitation for non-hard or porous surfaces include, but are not limited to:

007.06E(4)(a) Removal of feces; and

007.06E(4)(b) Exposure to direct sunlight or use of a safe and effective disinfectant.

007.06F Be designed, constructed, and maintained in such a manner as to:

007.06F(1) Be structurally sound;

007.06F(2) Be kept in good repair, having no sharp or jagged edges which could injure a cat or dog;

007.06F(3) Be free of excessive rust which prevents the required cleaning and sanitation;

007.06F(4) Securely contain the dogs or cats;

007.06F(5) Protect the dogs or cats from predators;

007.06F(6) Provide shelter and protection from extreme temperatures and weather conditions;

007.06F(7) Enable all surfaces in contact with the dogs or cats to be readily cleaned and sanitized, or be replaceable when worn or soiled;

007.06F(8) Enable the dogs or cats to remain dry and clean; and

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007.06F(9) Provide the dogs or cats with easy and convenient access to clean food and water which shall be non-toxic and free from algae growth. Excessive thirst may indicate a disease condition to be addressed by the attending veterinarian. Factors in determining if a dog or cat is receiving an adequate amount of water include, but are not limited to:

007.06F(9)(a) Ambient temperature;

007.06F(9)(b) A dog's or cat's body condition, such as sunken eyes and skin tenting; or

007.06F(9)(c) A dog's or cat's behavior, such as excessive nosing at an empty water bowl.

007.07 Waste Disposal. Procedures shall be established by all licensees for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris on all premises where housing facilities are located, including buildings, pens, and surrounding grounds.

007.07A Waste disposal procedures shall minimize:

007.07A(1) Pest infestation;

007.07A(2) Vermin infestation;

007.07A(3) Harmful odors; and

007.07A(4) Disease hazards.

007.07B Trash containers in housing facilities, food storage areas, and food preparation areas shall be leakproof and have tightly fitted lids on them at all times.

007.08 Employee Requirements. All licensees shall be responsible for ensuring that:

007.08A Adequate training and guidance are provided to employees involved in the handling, care, and treatment of the dogs and cats on the licensed premises;

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007.08B A sufficient number of trained employees are available to perform general husbandry tasks; and

007.08C Employees involved in the handling, care, and treatment of a licensee's dogs and cats can, and do, perform at the level required by the act and these regulations.

007.08D Factors to be considered in determining the adequacy and appropriate number of employees:

007.08D(1) Number of dogs and cats maintained on the premises;

007.08D(2) Maintenance requirements of the individual dogs or cats based on, but not limited to, size, breed, and age;

007.08D(3) Design and construction of the facility; and

007.08D(4) General condition of facility. A facility that is routinely noncompliant in general husbandry areas may indicate too few employees on site, or employees who are not trained in the appropriate humane handling, care, and treatment of dogs and cats.

007.08E Factors indicating inadequately trained, or insufficient number of, employees:

007.08E(1) High incidence of injury to the dogs and cats in the licensee's care which are subject to the act;

007.08E(2) Inadequate cleanliness of facility due to accumulations of litter, food waste, feces, trash, junk, or weeds; or

007.08E(3) Multiple substantiated complaints against the licensed facility by the general public.

007.09 Pest Control. All licensees shall establish, maintain, and follow an effective pest control program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, such as starlings and small rodents. Signs of an ineffective pest control program may include, but shall not be limited to:

007.09A Sighting of the pest or pests;

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007.09B Droppings;

007.09C Rodent holes;

007.09D Chewed insulation on floors, walls, ceilings and other surfaces;

007.09E Nests;

007.09F Dog or cat scratching excessively;

007.09G Open sores or sores due to flies and other insects; or

007.09H Areas of hair loss on the dog or cat.

007.10 Drainage. All licensed facilities shall have a method to:

007.10A Prevent excess or standing water and other fluids;

007.10B Keep the dog, cat, and its bedding dry; and

007.10C Minimize pest infestation, harmful odors, vermin infestation and disease hazards.

007.11 Shelter from the Elements. Each dog and cat shall be provided with adequate shelter from the elements at all times. The Tufts Weather Safety Scale may be used as a guideline to assist the Department in making a determination as to a dog's health or safety risk in adverse weather conditions. Adequate shelter shall:

007.11A Protect the dogs' and cats' health or safety;

007.11B Allow all the dogs and cats in the enclosure to have access to the shelter at the same time;

007.11C Protect the dogs and cats from adverse weather conditions.

007.11D Be large enough to allow each dog or cat to sit, stand, lie down, and turn around freely; and

007.11E Not include barrels, cars, refrigerators, freezers, washing machines, dryers, and the like.

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007.12 Outdoor Housing. All licensees who maintain outdoor housing facilities which contain one or more sheltered structures, shall ensure such structures be constructed so that each shelter:

007.12A Be accessible to each dog or cat;

007.12B Have a roof, floor, and sides;

007.12C Provide adequate protection or shelter from extreme cold or heat;

007.12D Provide protection from direct rays of the sun;

007.12E Provide protection from the direct effects of wind, rain, or snow;

007.12F Have a wind break and rain break at the entrance; and

007.12G Provide a way for the dogs or cats to keep warm, including the availability of clean, dry bedding.

007.13 Storage. Food, bedding, toxic substances and other items shall be properly stored by all licensees as follows:

007.13A Food storage methods shall protect food from:

007.13A(1) Spoilage;

007.13A(2) Contamination;

007.13A(3) Deterioration of nutritive value; and

007.13A(4) Vermin infestation.

007.13B Food storage areas shall be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials.

007.13C Toxic substances shall not be stored in food storage areas, food preparation areas, or animal living areas unless such substances are stored in a secured cabinet; and

007.13D Bedding shall be stored and maintained in a clean, dry environment to protect from contamination, water damage, and vermin infestation.

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007.14 Tethering. Permanent tethering is prohibited for use as a primary enclosure by any licensee. The Department may approve temporary tethering of a dog for up to three (3) days, if the licensee: (1) makes the request in writing to the Department; (2) includes the reason or justification for tethering the dog; and (3) includes the length of time the dog will be tethered. Factors to consider when approving or disapproving temporary tethering of a dog may include, but are not limited to:

007.14A Routine cleaning or maintenance;

007.14B The availability of shelter;

007.14C Length of the tether;

007.14D Type and strength of the tether;

007.14E Method of attachment of tether to the dog;

007.14F Possible entanglements with other animals or objects;

007.14G Access to food and water;

007.14H Access to shade at all times during the day;

007.14I Breed and behavior characteristics of the dog or dogs; and

007.14J Protection from predators.

007.15 Ventilation.

007.15A The enclosed areas of a facility or shelter shall be sufficiently ventilated to provide for the dogs' or cats' health or safety, and to minimize the following:

007.15A(1) Harmful odors;

007.15A(2) Drafts;

007.15A(3) Noxious fumes or toxic gases, including ammonia.

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007.15A(4) Moisture condensation, indicative of excessive humidity, which could cause wet bedding or wetting of the dog or cat.

007.15B Methods of ventilation may include, but are not limited to:

007.15B(1) Windows;

007.15B(2) Vents sufficient to allow an adequate exchange of air flow throughout the facility;

007.15B(3) Fans, exhaust fans, or blowers;

007.15B(4) Air conditioning; and

007.15B(5) Doors.

007.16 Lighting.

007.16A Indoor housing and sheltered housing facilities shall have sufficient light to permit routine inspection and cleaning of the housing facility;

007.16B Indoor housing and sheltered housing facilities shall have sufficient light, uniformly diffused, to allow the licensee, or his or her employees, to observe the dogs and cats housed therein; and

007.16C A regular diurnal lighting cycle of either natural or artificial light shall be provided to all dogs or cats housed in an indoor housing or sheltered housing facility.

008 Identification.

008.01 For purposes of the act and these regulations, all licensees with a United States Department of Agriculture license may identify their animals as prescribed in 9 C.F.R. §§ 2.50 to 2.55, (~~2011~~ 2013), a copy of which is attached to these regulations as Appendix B and incorporated herein by reference. If there is any inconsistency between these regulations and the federal regulations under 9 C.F.R. §§ 2.50 to 2.55 (~~2011~~ 2013), these regulations shall control.

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008.02 All licensees, except boarding kennels, shall individually identify each dog and cat housed, purchased, sold, leased, exchanged, or otherwise transferred, acquired or disposed, by one (1) or more of the following methods:

008.02A An individual identification tag;

008.02B A cage card;

008.02C A distinctive and legible tattoo marking approved by the Department; or

008.02D A microchip implant. Pursuant to §54-641.03, all commercial dog breeders initially licensed on or after October 1, 2012, shall microchip each breeding dog.

008.02E Live puppies or kittens, which are maintained as a litter in the same primary enclosure with their dam, are not required to be individually identified provided the dam has been individually identified in accordance with section 008;

008.02F Boarding kennels, in lieu of individual identification, shall maintain records as required by subsection 010.03.

008.03 All dogs and cats shall be individually identified at the time of acquisition, or in the case of puppies or kittens, when separated from their litter.

008.04 If, at the time of acquisition, a dog or cat is already individually identified by a tag, tattoo, or microchip which has been applied by another entity, the acquiring licensee shall continue identifying the dog or cat by such identification, except for breeding dogs belonging to a licensee who was initially licensed on or after October 1, 2012. If the dog or cat is identified with more than one method of identification, all identifying names or numbers shall be maintained in the licensee's records.

008.05 Tags, when used as a method of individual identification, shall meet the following requirements:

008.05A Tags may be made of a durable alloy such as brass, bronze, steel or a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used; and

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008.05B Tags shall be embossed or stamped on one (1) side that is easily readable and shall include the individual number or name identifying the dog or cat.

008.06 Licensees shall obtain, at their own expense, tags, tattoos, microchips, cage cards, or any other individual identification method approved by the Department.

008.07 The individual identification number or name from a tag, microchip, tattoo, cage card, or other individual identification shall be recorded and maintained in records for a period of at least three (3) years following a dog's or cat's disposition. For licensees using a microchip, the licensee shall:

008.07A Record the manufacturer of the microchip;

008.07B Record the approximate location of the microchip in the dog or cat; and

008.07C Use an alternative method of individual identification at any time if the microchip system is determined to be ineffective, or if no scanner is available at the time of inspection.

009 Prohibitions for Stolen Dogs or Cats. No person shall buy, sell, exhibit, transport or offer for transportation, any stolen dog or cat.

010 Record Keeping. All records, except records for boarding kennels, shall be kept and maintained for a period of three (3) years, unless the Director requests, in writing, that they be maintained for a longer period, for the purpose of investigation. The three-year time period shall begin from the date a dog or cat was acquired and from the date a dog or cat was disposed. Such records shall include the Certificate of Veterinary Inspection, for dogs or cats moving interstate, and shall be physically maintained on the licensed premises, or be readily available for review at the time of inspection. Records shall contain information sufficient to completely and accurately identify each dog and cat being housed or contained by the licensee.

010.01 Acquisition Records for Commercial Dog or Cat Breeders, Pet Shops, Dealers, and Voluntary Licensees.

010.01A Each commercial dog or cat breeder, pet shop, dealer, and voluntary licensee shall make, keep and maintain records or forms based on information obtained from a seller or other source of dogs or cats which

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fully and correctly disclose information concerning each dog or cat purchased or otherwise acquired, owned, or held in his or her possession or control, including any offspring born of any dog or cat while in his or her possession or control. A commercial dog or cat breeder, pet shop, dealer or voluntary licensee may use the form referred to as Record of Acquisition and Dogs and Cats on Hand, Animal and Plant Health Inspection Service Form 7005 or similar Department approved form to record acquisition of dogs or cats. A copy of Form 7005 is attached to these regulations as Appendix C, and incorporated herein by reference. Such completed records and forms required to be kept pursuant to this section, shall include:

010.01A(1) The date a dog or cat was purchased, held, owned, received, controlled, or otherwise acquired, including births;

010.01A(2) The name and complete mailing address of the person from whom the dog or cat was purchased, received, or otherwise acquired. Such information is required, regardless of whether or not the person selling, transporting, or otherwise transferring ownership of the dog or cat is required to be licensed under the act and these regulations;

010.01A(3) The United States Department of Agriculture license number, the license number issued under the act and regulations, or the license number from any other state, whichever is applicable. If the license number is not available, one of the following shall be acceptable:

010.01A(3)(a) The vehicle license number and state; or

010.01A(3)(b) The driver's license number and state.

010.01A(4) The method of transportation, including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

010.01A(5) The individual identification number or name from the tag, tattoo, microchip, or cage card.

010.01A(6) The form referred to as the USDA's United States Interstate and International Certificate of Health Examination for Small Animals, APHIS Form 7001 (also known as health certificate), or similar state form, a copy of which is attached as Appendix D and incorporated herein by reference, to make, keep and maintain the information required by part 010 of these regulations, shall accompany all dogs and cats imported into Nebraska. A health certificate shall be signed by a veterinarian who is licensed and accredited in the state of origin of such dogs or cats imported into Nebraska.

010.02 Disposition Records for Commercial Dog or Cat Breeders, Dealers, Pet Shops and Voluntary Licensees.

010.02A Each commercial dog or cat breeder, dealer, pet shop and voluntary licensee shall make, keep, and maintain records and forms for each dog or cat transported, sold, exchanged, leased, deceased, delivered, euthanized or otherwise disposed. Such records and forms shall include:

010.02A(1) The form referred to as the Record of Disposition of Dogs and Cats, Animal and Plant Health Inspection Form 7006, a copy of which is attached to these regulations as Appendix E, and incorporated herein by reference. Commercial dog or cat breeders, dealers, pet shops and voluntary licensees may use Form 7006 or a similar Department approved form to record disposition of dogs and cats. Such completed form shall include:

010.02A(1)(a) The date of disposition of each dog and cat;

010.02A(1)(b) The name and complete mailing address of the person to whom a dog or cat was transferred, except when disposition is by death or euthanasia;

010.02A(1)(c) The United States Department of Agriculture license number, the license number issued under the act and these regulations, or the license number issued by another state, whichever is applicable. If this subpart does not apply, one of the following shall be required:

010.02A(1)(c)(i) The vehicle license number and state; or

010.02A(1)(c)(ii) The driver's license number and state.

010.02A(2) The individual identification number or name from the tag, tattoo, microchip, or cage card;

010.02A(3) A complete description of the dog or cat; and

010.02A(4) If the dog or cat dies or is euthanized, a record of how the animal was disposed, including a description of the circumstances surrounding the death. If euthanized, the name of the person performing the euthanasia and the method of euthanasia shall be recorded in the dog's or cat's health records; or may be recorded generally, in the veterinary care plan.

010.03 Records for Boarding Kennels.

010.03A Every operator of a boarding kennel shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat boarded, or otherwise kept or maintained:

010.03A(1) Name, address and phone number of dog or cat owner;

010.03A(2) Emergency contact number;

010.03A(3) Dog's or cat's name, age, sex and breed;

010.03A(4) Rabies vaccination information;

010.03A(5) Pre-existing physical problems;

010.03A(6) Medication information and instructions;

010.03A(7) Veterinarian of choice;

010.03A(8) Special feeding instructions, if needed;

010.03A(9) Special boarding instructions, if needed;

010.03A(10) Any additional services to be performed;

010.03A(11) Date received; and

010.03A(12) Date released.

010.03B The record of daily health observations, including any medications, treatments given, and exercise periods shall be maintained.

010.03C All records shall be maintained for a period of sixty (60) days except on those dogs or cats on which a complaint was made by the owner of the kenneled dogs or cats, or if some other problem occurred during boarding, those records shall be kept for one (1) year, unless the Director requests in writing that they be maintained for a longer period, for the purpose of investigation.

010.04 Acquisition Records for Animal Control Facilities, Animal Rescues, and Animal Shelters.

010.04A Each animal control facility, animal rescue, and animal shelter shall make, keep, and maintain records which fully and correctly disclose the following information concerning each dog and cat housed, purchased, leased, exchanged or otherwise acquired, including births. Such records shall include:

010.04A(1) The form referred to as Record of Acquisition and Dogs and Cats on Hand, Animal and Plant Health Inspection Service Form 7005, or other Department approved form;

010.04A(2) The date a dog or cat was received or acquired;

010.04A(3) The name and complete mailing address of the person from whom a dog or cat was received or acquired, including the driver's license number; or, the name, official title, and mailing address of any state or political subdivision of a state, or its representative, from whom a dog or cat was received or acquired;

010.04A(4) The individual identification, if available. Dogs or cats having no individual identification at time of entry into the animal control facility, animal rescue, or animal shelter shall be identified in accordance with section 008;

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010.05 Disposition Records for Animal Control Facilities, Animal Rescues, and Animal Shelters.

010.05A Each animal control facility, animal rescue, or animal shelter shall make, keep, and maintain records which fully and correctly disclose information concerning each dog and cat sold, exchanged, leased, transferred or otherwise disposed. Such records shall include:

010.05A(1) The form referred to as Record of Disposition of Dogs and Cats on Hand, Animal and Plant Health Inspection Service Form 7006 or other Department approved form;

010.05A(2) The date a dog or cat was sold, exchanged, leased, transferred or otherwise disposed;

010.05A(3) The name and complete mailing address of the person to whom a dog or cat was sold, exchanged, leased, transferred or otherwise disposed;

010.05A(4) The individual identification number or name of the dog or cat; and

010.05A(5) The method of disposition. If the dog or cat dies or is euthanized, a record of how the animal was disposed, including a description of the circumstances surrounding the death. If euthanized, the name of the person performing the euthanasia and the method of euthanasia shall be recorded in the dog's or cat's health records;

010.05B A state or political subdivision of a state which contracts out its animal control duties shall submit information to the Department identifying which licensed animal control facility, animal rescue, or animal shelter is housing or containing the dogs or cats under its animal control authority.

010.06 Health Records. Individual health records of dogs and cats shall be kept and maintained by all licensees except boarding kennels. Individual health records, or a copy, shall be prepared from information obtained from the person from whom a dog or cat was purchased or otherwise transferred or acquired. Commercial dog breeders shall also comply with any additional requirements set forth in §54-641.02. ~~Such health~~ Health records, or a copy, shall accompany all dogs and cats upon the transfer of ownership, and shall include the following:

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010.06A Vaccination records, including rabies vaccination certificate, and any other treatments and medications given;

010.06B All medical procedures performed;

010.06C The reasons for or the condition requiring treatment, medication, or medical procedure, including the results of such treatment, medication or medical procedure; and

010.06D Record of all offspring produced, including the number of litters produced and litter size for each dog and cat.

010.06E If a dog or cat is no longer capable of breeding, or is infertile, and the commercial dog or cat breeder wants to exempt said dog or cat from being counted as part of its breeding stock, a commercial dog or cat breeder may have the dog or cat surgically sterilized by a licensed veterinarian; or may obtain a statement of infertility from a veterinarian licensed to practice in Nebraska verifying that such dog or cat is no longer capable of breeding. The attending veterinarian may use the Statement of Infertility Form, attached herein as Appendix G.

010.06F If a dog or cat dies, the health records shall include:

010.06F(1) An explanation of how the death occurred (euthanasia, natural causes or other);

010.06F(2) The date of death;

010.06F(3) If euthanasia was performed, the name of the person performing the euthanasia and the method of euthanasia.

011 Procurement of Dogs and Cats By Dealers and Pet Shops.

011.01 A dealer or pet shop which obtains dogs and cats from within this state shall only obtain such dogs and cats from other licensees who are licensed under the act and in accordance with these regulations.

011.02 No person shall obtain live dogs or cats by use of false pretenses, misrepresentation or deception.

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012 Licensees Restricted in Sales to Dealers. Licensees shall not sell to dealers operating within the state who are not licensed under the act and in accordance with these regulations.

013 Spaying and Neutering. Licensees and any other retailer, who transfers ownership of a dog or cat to an ultimate consumer, shall comply with the spaying and neutering requirements of the act.

014 Assessment of Administrative Fines. If any person licensed pursuant to the act fails to comply with Neb. Rev. Stat. §54-631, the Department may impose an administrative fine pursuant to §54-633(3) and this section.

014.01 In addition to the definitions set forth in section 003, the following shall apply to sections 014, 015, and 016:

014.01A Level of violation means the violation is a first, second, third or more violation.

014.01A(1) A first violation means the violator has not been found, by the violator's own admission in a consent agreement or by an order of the Director, to have committed the same alleged violation in the last three years of the current alleged violation.

014.01A(2) A second violation means the violator has been found, by the violator's own admission or an order of the Director, to have committed the same alleged violation once within the last three years of committing the current alleged violation.

014.01A(3) A third violation means the violator has been found, by his or her own admission in a consent agreement or by an order of the Director, to have committed the same violation at least two times within the last three years of committing the current alleged violation.

014.01B Median fine means the fine to be assessed in the absence of aggravating factors or mitigating factors or when the aggravating factors and the mitigating factors are equally applicable.

014.01C Aggravating factors mean findings of fact which enhance the seriousness of a violation and indicate a larger fine than the median fine would be appropriate. Such factors include:

014.01C(1) The seriousness of the violation, including the gravity of the actual or potential injury to the health or safety of a dog or cat;

014.01C(2) The potential for the violation to cause a significant threat to the health or safety of a dog or cat which creates a substantial risk of death or which causes prolonged impairment of health and prolonged loss or impairment of the function of any bodily organ;

014.01C(3) The actual physical harm or injury to a dog or cat;

014.01C(4) The alleged violator's intentional, willful, or negligent failure to avoid the violation;

014.01C(5) The failure by the alleged violator to take steps to remedy the alleged violation;

014.01C(6) The similarity of the current alleged violation to previous violations that occurred within the last three years;

014.01C(7) The likelihood that the alleged violator will repeat the violation;

014.01C(8) The alleged violator's nondisclosure of the violation to the Department;

014.01C(9) The alleged violator's failure to cooperate with the investigation of the Department.

014.01D Mitigating factors means findings of fact which reduce the seriousness of the violation and indicate a smaller fine than the median fine would be appropriate. Such factors include:

014.01D(1) The culpability and good faith of any past violations by such person.

014.01D(2) The violation has no potential for causing physical injury or harm to dogs or cats;

014.01D(3) The unintentional, nonwillful, or non-negligent nature of the violation;

014.01D(4) The alleged violator's attempts to take remedial action regarding the violation;

014.01D(5) The lack of previous similar violations within the last three years;

014.01D(6) The likelihood that the alleged violator will repeat the violation;

014.01D(7) The alleged violator's disclosure of the violation to the Department;

014.01D(8) The alleged violator's cooperation with the investigation of the Department or related investigations, including entering into a consent agreement.

014.01E The type of the alleged violation means the category of the violation as a type I, type II, or type III violation.

014.01E(1) Type I violations mean the least serious violations. Such violations are considered to be technical violations that have minimal or no potential to result in significant harm to the health or safety of a dog or cat, including, but not limited to:

014.01E(1)(a) Failing to properly identify dogs and cats in violation of section 008.

014.01E(1)(b) Failing to maintain a written veterinary care plan.

014.01E(1)(c) Failing to develop, maintain or follow the exercise plan for dogs.

014.01E(1)(d) Failing to maintain premises, structures, enclosures or pens in good repair in accordance with the standards set forth in 9 C.F.R. §§ 3.1 to 3.19.

014.01E(1)(e) Failing to pay any required fees under the act and regulations. Any returned check will be deemed nonpayment of fees.

014.01E(1)(f) Failing to comply with any provision of the act and regulations which may prevent the Department from carrying out its duties under the act and these regulations;

014.01E(2) Type II violations mean moderately serious violations that do not result in significant harm to the health or safety of a dog or cat, including, but not limited to:

014.01E(2)(a) Failing to keep all records required by the Department pursuant to section 010.

014.01E(2)(b) Failing to notify the Department of any change in the name, address, management, control or ownership of the business or operation, or of additional sites, in violation of section 004.

014.01E(2)(c) Failing to accept delivery of registered mail or certified mail in violation of section 004, and verified by the United States Postal Service as not being picked up by the licensee or his or her representative.

014.01E(2)(d) Failing to maintain sanitary premises, pens, enclosures or structures in such a way as to impair a dog's or cat's health or safety. Such violations may include, but shall not be limited to: (i) an accumulation of waste matter making it difficult for a dog or cat to avoid; (ii) moderate amounts of litter, food waste, trash, junk or weeds are present which may inhibit comfortable rest, normal movement, or both; (iii) potential injury to a dog or cat from sharp edges or glass; (iv) significant odor which makes breathing unpleasant for animals; or (v) standing water or mud making it difficult for a dog or cat to avoid.

014.01E(2)(e) Making a deliberate misrepresentation or concealment to the Department, including failure to disclose all locations housing dogs or cats.

014.01E(2)(f) Failing to inform the Department of any convictions of any violation of any local ordinance, county resolution, state or federal law on the disposition or treatment of dogs or cats in violation of section 005.

014.01E(2)(g) Refusing to allow an inspector access to inspect any dog or cat, premises, facility, area, equipment or vehicle as required under the act.

014.01E(2)(h) Failing to comply with any provisions of the act and regulations which may impair the health or safety of a dog or cat.

014.01E(2)(i) Failing to comply with the wellness examination for each breeding dog at least once every three years, including a basic physical and dental examination.

014.01E(3) Type III violations mean the most serious violations and includes violations that result in significant harm to a dog's or cat's health or safety, or has the potential for the death of such animal. Such violations shall include, but not be limited to, the following:

014.01E(3)(a) Failing to provide a dog or cat with necessary food or water.

014.01E(3)(b) Failing to maintain sanitary premises, pens, enclosures, or structures in such a way as to be a significant threat to a dog's or cat's health or safety and which may promote contamination and disease risk. Such violations may include: (i) filthy premises containing an accumulation of feces, urine, or both, from which the dog or cat cannot extricate itself; (ii) overwhelming odor creating poor air quality which makes breathing difficult for the dogs and cats due to insufficient ventilation, insufficient cleaning of animal waste, or both; (iii) large amounts of litter, food waste, trash, junk, or weeds are present, which inhibits comfortable rest, normal postures or movement, or poses an immediate danger to dogs and cats; (iv) dogs and cats having no means to escape contact with feces, urine, mud, or standing water; (v) animals provided with contaminated food, drinking water, or both; (vi) dogs and cats being handled in a manner that causes a significant threat to health or safety, or (vii) exposes the dogs or cats to sharp, jagged objects in or on parts of the primary enclosures; or (viii) excessive rust that prevents the required cleaning and sanitation, or which affects the structural

strength of the surface or (viv) infestation of insects, parasites, or rodents.

014.01E(3)(c) Failing to provide shelter or protection from extreme temperatures or humidity and weather conditions suitable for the age, species, breed or type, and physical condition of the animal so as to provide for the dog's and cat's health or safety. Such violations may include dogs and cats which are subjected to temperature extremes resulting in hypothermia, hyperthermia, or any condition related thereto.

014.01E(3)(d) Failing to provide dogs and cats with adequate space required for the species or breed whereby such animal has no room to stand, sit, lie down in a comfortable, normal position, or turn about freely, and to walk in a normal manner.

014.01E(3)(e) Failing to maintain a dog in a healthy condition as an indicator of the overall health or safety of such dog. For example, a matted dog with significant underlying lesions, other health impairments, or both, resulting from the mats, is a failure to maintain a dog in a healthy condition.

014.01E(3)(f) Failing to provide veterinary care for a dog or cat when such veterinary care appears to be necessary, and is later determined by a veterinarian that such care was necessary for the health or safety of such dog or cat.

014.01E(3)(g) Refusing to allow the Department to enter the premises during normal business hours for the purposes of inspection under the act and these regulations.

014.01E(3)(h) Denying access to any officer, agent, employee, or appointee of the Department or offering any resistance to, thwarting, or hindering such persons by misrepresentation or concealment.

014.01E(3)(i) Failing to disclose all locations housing dogs or cats owned or controlled by the alleged violator.

014.01E(3)(j) Interfering with the Department in the performance of its duties.

014.01E(3)(k) Failing to comply with an order of the Director.

014.01E(3)(l) Using any license issued by the Department while the license is under suspension; or, for purposes other than those authorized by the act.

014.01E(3)(m) Failing to make available to the Department, for purposes of inspection or to copy, all records, papers, and other information necessary for the enforcement of the act.

014.01E(3)(n) For commercial dog breeders only: (1) failing to have euthanasia performed by a licensed veterinarian; (2) failing to have surgical births or other surgical procedures performed by a licensed veterinarian using anesthesia; or (3) failing to contact a licensed veterinarian without delay after an occurrence of a serious or life-threatening injury or medical condition of a dog under such dog breeder's care, supervision or control.

014.01F Consent agreement means a signed, written agreement between the Department and the violator, setting forth an admission of the alleged violation and a consent to the assessment of a stated fine.

014.02 The amount of the fine assessed under this section shall be determined by the Director based on the type of violation, the level of violation, and whether or not facts exist to prove mitigating factors or aggravating factors.

014.03 The Director shall determine the fine based on the fine assignment schedule tables in section 015 as follows:

014.03A For type I violations, the Fine Assignment Schedule Table in subsection 015.01 shall be used.

014.03B For type II violations, the Fine Assignment Schedule Table in subsection 015.02 shall be used.

014.03C For type III violations, the Fine Assignment Schedule Table in subsection 015.03 shall be used.

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014.04 The Director shall apply the median fine unless mitigating factors or aggravating factors are found or when the aggravating factors or mitigating factors are equal in gravity.

014.05 An alleged violator shall be subject to the assessment of a fine for each violation, but may not be fined for any lesser included violations arising out of the same act, if the alleged violator has been fined for the greater violation.

015 Fine Assignment Schedule Tables.

015.01 Fine Assignment Schedule Table - Type I

Type I (Least Serious) Category of Violation

Level of Violation	Mitigated	Median	Aggravated
FIRST	\$100	\$250	\$500
SECOND	\$250	\$500	\$1500
THIRD	\$500	\$1000	\$2000

015.02 Fine Assignment Schedule Table - Type II

Type II (Moderately Serious) Category of Violation

Level of Violation	Mitigated	Median	Aggravated
FIRST	\$200	\$325	\$2000
SECOND	\$325	\$600	\$2500
THIRD	\$575	\$1500	\$3500

15.03 Fine Assignment Schedule Table - Type III

Type III (Most Serious) Category of Violation

Level of Violation	Mitigated	Median	Aggravated
FIRST	\$500	\$1000	\$3500
SECOND	\$1000	\$2000	\$4500
THIRD	\$3000	\$4000	\$5000

016 Fines and Remedies.

016.01 Nothing in these regulations shall prevent the Department from entering into a settlement agreement with any person violating the Commercial Dog and Cat Operator Inspection Act, or the rules and regulations adopted and promulgated under it, which specifies a different remedy than specified in the act or regulations.

016.02 The Department may issue any fine at the statutory maximum for any egregious violation.

017 Publications Adopted. See Appendix.

018 Annotation. Neb. Rev. Stat. §§54-625 to 54-643.

APPENDIX

- A. Code of Federal Regulations, 9 C.F.R., Part 3 - Standards, Subpart A - Humane Handling, Care, Treatment, and Transportation of Dogs and Cats, §§3.1 to 3.19 (2013 ~~2011~~).
- B. Code of Federal Regulations, 9 C.F.R., Part 2 - Regulations, Subpart E - Identification of Animals, §§2.50 to 2.55 (2013 ~~2011~~).
- C. Record of Acquisition and Dogs and Cats on Hand, APHIS FORM 7005.
- D. United States Interstate and International Certificate of Health Examination for Small Animals, APHIS FORM 7001.
- E. Record of Disposition of Dogs and Cats, APHIS FORM 7006.
- F. Tufts Animal Care and Condition Scales for Assessing Body Condition, Weather and Environmental Safety, and Physical Care in Dogs: SECTION II. Weather Safety Scale.
- G. Statement of Infertility.
- H. Attempted Inspection Notice.
- I. Veterinary Care Plan.
- J. Emergency Veterinary Care Plan.

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9 CODE OF FEDERAL REGULATIONS



CFR

Animals and Animal Products

Parts 1 to 199

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or registered after July 29, 2013, training of personnel must be completed within 60 days of the dealer, exhibitor, intermediate handler, or carrier putting their contingency plan in place. Employees hired 30 days or more before their contingency plan is put in place must also be trained by that date. For employees hired less than 30 days before that date or after that date, training must be conducted within 30 days of their start date. Any changes to the plan as a result of the annual review must be communicated to employees through training which must be conducted within 30 days of making the changes.

[77 FR 76823, Dec. 31, 2012]

EFFECTIVE DATE NOTE: At 77 FR 76823, Dec. 31, 2012, §2.134 was added, effective Jan. 30, 2013.

PART 3—STANDARDS

Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

- 3.1 Housing facilities, general.
- 3.2 Indoor housing facilities.
- 3.3 Sheltered housing facilities.
- 3.4 Outdoor housing facilities.
- 3.5 Mobile or traveling housing facilities.
- 3.6 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.7 Compatible grouping.
- 3.8 Exercise for dogs.
- 3.9 Feeding.
- 3.10 Watering.
- 3.11 Cleaning, sanitization, housekeeping, and pest control.
- 3.12 Employees.

TRANSPORTATION STANDARDS

- 3.13 Consignments to carriers and intermediate handlers.
- 3.14 Primary enclosures used to transport live dogs and cats.
- 3.15 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.16 Food and water requirements.
- 3.17 Care in transit.
- 3.18 Terminal facilities.

- 3.19 Handling.

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

- 3.25 Facilities, general.
- 3.26 Facilities, indoor.
- 3.27 Facilities, outdoor.
- 3.28 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.29 Feeding.
- 3.30 Watering.
- 3.31 Sanitation.
- 3.32 Employees.
- 3.33 Classification and separation.
- 3.34 [Reserved]

TRANSPORTATION STANDARDS

- 3.35 Consignments to carriers and intermediate handlers.
- 3.36 Primary enclosures used to transport live guinea pigs and hamsters.
- 3.37 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.38 Food and water requirements.
- 3.39 Care in transit.
- 3.40 Terminal facilities.
- 3.41 Handling.

Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

- 3.50 Facilities, general.
- 3.51 Facilities, indoor.
- 3.52 Facilities, outdoor.
- 3.53 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.54 Feeding.
- 3.55 Watering.
- 3.56 Sanitation.
- 3.57 Employees.
- 3.58 Classification and separation.
- 3.59 [Reserved]

TRANSPORTATION STANDARDS

- 3.60 Consignments to carriers and intermediate handlers.
- 3.61 Primary enclosures used to transport live rabbits.
- 3.62 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.63 Food and water requirements.
- 3.64 Care in transit.
- 3.65 Terminal facilities.

Animal and Plant Health Inspection Service, USDA

- 3.66 Handling.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

- 3.75 Housing facilities, general.
- 3.76 Indoor housing facilities.
- 3.77 Sheltered housing facilities.
- 3.78 Outdoor housing facilities.
- 3.79 Mobile or traveling housing facilities.
- 3.80 Primary enclosures.
- 3.81 Environment enhancement to promote psychological well-being.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.82 Feeding.
- 3.83 Watering.
- 3.84 Cleaning, sanitization, housekeeping, and pest control.
- 3.85 Employees.

TRANSPORTATION STANDARDS

- 3.86 Consignments to carriers and intermediate handlers.
- 3.87 Primary enclosures used to transport nonhuman primates.
- 3.88 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.89 Food and water requirements.
- 3.90 Care in transit.
- 3.91 Terminal facilities.
- 3.92 Handling.

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals

FACILITIES AND OPERATING STANDARDS

- 3.100 Special considerations regarding compliance and/or variance.
- 3.101 Facilities, general.
- 3.102 Facilities, indoor.
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- 3.104 Space requirements.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.105 Feeding.
- 3.106 Water quality.
- 3.107 Sanitation.
- 3.108 Employees or attendants.
- 3.109 Separation.
- 3.110 Veterinary care.
- 3.111 Swim-with-the-dolphin programs.

TRANSPORTATION STANDARDS

- 3.112 Consignments to carriers and intermediate handlers.
- 3.113 Primary enclosures used to transport marine mammals.
- 3.114 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.115 Food and drinking water requirements.

- 3.116 Care in transit.
- 3.117 Terminal facilities.
- 3.118 Handling.

Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals

FACILITIES AND OPERATING STANDARDS

- 3.125 Facilities, general.
- 3.126 Facilities, indoor.
- 3.127 Facilities, outdoor.
- 3.128 Space requirements.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.129 Feeding.
- 3.130 Watering.
- 3.131 Sanitation.
- 3.132 Employees.
- 3.133 Separation.
- 3.134-3.135 [Reserved]

TRANSPORTATION STANDARDS

- 3.136 Consignments to carriers and intermediate handlers.
- 3.137 Primary enclosures used to transport live animals.
- 3.138 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.139 Food and water requirements.
- 3.140 Care in transit.
- 3.141 Terminal facilities.
- 3.142 Handling.

AUTHORITY: 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.7.

SOURCE: 32 FR 3273, Feb. 24, 1967, unless otherwise noted.

Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats¹

SOURCE: 56 FR 6486, Feb. 15, 1991, unless otherwise noted.

FACILITIES AND OPERATING STANDARDS

§3.1 Housing facilities, general.

(a) *Structure:* construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the

¹These minimum standards apply only to live dogs and cats, unless stated otherwise.

if adequately addresses the criteria listed in paragraph (1)(1) of this section. Each registrant must maintain documentation of their annual reviews, including documenting any amendments or changes made to their plan since the previous year's review, such as changes made as a result of recently predicted, but historically unforeseen, circumstances (e.g., weather extremes). Contingency plans, as well as all annual review documentation and training records, must be made available to APHIS and any funding Federal agency representatives upon request. Facilities maintaining or otherwise handling marine mammals in captivity must also comply with the requirements of §2.101(b) of this subchapter.

(3) The facility must provide and document participation in and successful completion of training for its personnel regarding their roles and responsibilities as outlined in the plan. For current registrants, training of facility personnel must be completed by September 27, 2013; for research facilities registered after July 29, 2013, training of facility personnel must be completed within 60 days of the facility putting its contingency plan in place. Employees hired 30 days or more before the contingency plan is put in place must also be trained by that date. For employees hired less than 30 days before that date or after that date, training must be conducted within 30 days of their start date. Any changes to the plan as a result of the annual review must be communicated to employees through training which must be conducted within 30 days of making the changes.

Subpart D—Attending Veterinarian and Adequate Veterinary Care

§2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section.

(1) Each dealer and exhibitor shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor; and

(2) Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary

care and to oversee the adequacy of other aspects of animal care and use.

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

(3) Daily observation of all animals to assess their health and well-being; *Provided, however,* That daily observation of animals may be accomplished by someone other than the attending veterinarian; and *Provided, further,* That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(4) Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and

(5) Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

Subpart E—Identification of Animals

§2.50 Time and method of identification.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:

(1) All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in §2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or

cats², or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:

(i) An official tag as described in §2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to §2.51.

(b) A class "B" dealer shall identify all live dogs and cats under his or her control or on his or her premises as follows:

(1) When live dogs or cats are held, purchased, or otherwise acquired, they shall be immediately identified:

(i) By affixing to the animal's neck an official tag as set forth in §2.51 by means of a collar made of material generally acceptable to pet owners as a means of identifying their pet dogs or cats³; or

(ii) By a distinctive and legible tattoo marking approved by the Administrator.

(2) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires the animal may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list all old and new official tag numbers or tattoos in his or her records of purchase which shall be

maintained in accordance with §§2.75 and 2.77. Any new official tag or tattoo number shall be used on all records of any subsequent sales by the dealer or exhibitor, of any dog or cat.

(3) Live puppies or kittens less than 16 weeks of age, shall be identified by:

(i) An official tag as described in §2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to §2.51.

(4) When any dealer has made a reasonable effort to affix an official tag to a cat, as set forth in paragraphs (a) and (b) of this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take measures adequate to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one weaned cat without an affixed collar and official tag, unless the cats are identified by a distinctive and legible tattoo or plastic-type collar approved by the Administrator.

(c) A class "C" exhibitor shall identify all live dogs and cats under his or her control or on his or her premises, whether held, purchased, or otherwise acquired:

(1) As set forth in paragraph (b)(1) or (b)(3) of this section; or

(2) By identifying each dog or cat with:

(i) An official USDA sequentially numbered tag that is kept on the door of the animal's cage or run;

(ii) A record book containing each animal's tag number, the data required by §2.75(a), and a clear photograph of each animal; and

(iii) A duplicate tag that accompanies each dog or cat whenever it leaves the compound or premises.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a

litter with their dam in the same primary enclosure, provided the dam has been individually identified.

(e)(1) All animals, except dogs and cats, delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of by any dealer or exhibitor shall be identified by the dealer or exhibitor at the time of delivery for transportation, purchase, sale, acquisition or disposal, as provided for in this paragraph and in records maintained as required in §§2.75 and 2.77.

(2) When one or more animals, other than dogs or cats, are confined in a primary enclosure, the animal(s) shall be identified by:

- (1) A label attached to the primary enclosure which shall bear a description of the animals in the primary enclosure, including:
 - (A) The number of animals;
 - (B) The species of the animals;
 - (C) Any distinctive physical features of the animals; and
 - (D) Any identifying marks, tattoos, or tags attached to the animals;
- (ii) Marking the primary enclosure with a painted or stenciled number which shall be recorded in the records of the dealer or exhibitor together with:

- (A) A description of the animal(s);
- (B) The species of the animal(s); and
- (C) Any distinctive physical features of the animal(s); or

(iii) A tag or tattoo applied to each animal in the primary enclosure by the dealer or exhibitor which individually identifies each animal by description or number.

(3) When any animal, other than a dog or cat, is not confined in a primary enclosure, it shall be identified on a record, as required by §2.75, which shall accompany the animal at the time it is delivered for transportation, transported, purchased, or sold, and shall be kept and maintained by the dealer or exhibitor as part of his or her records.

§2.51 Form of official tag.

(a) The official tag shall be made of a durable alloy such as brass, bronze, or steel, or of a durable plastic. A minimum of a sufficient thickness to assure the tag is durable and legible may

also be used. The tag shall be one of the following shapes:

- (1) Circular in shape and not less than 1¼ inches in diameter, or
- (2) Oblong and flat in shape, not less than 2 inches by ¾ inch and riveted to an acceptable collar.

(b) Each tag shall have the following information embossed or stamped on so that it is easily readable:

- (1) The letters "USDA";
- (2) Numbers identifying the State and dealer, exhibitor, or research facility (e.g., 39-AB); and
- (3) Numbers identifying the animal (e.g., 82488).

(c) Official tags shall be serially numbered. No individual dealer or exhibitor shall use any identification tag number more than once within a 5-year period.

§2.52 How to obtain tags.

Dealers or exhibitors may obtain, at their own expense, official tags from commercial tag manufacturers. At the time the dealer or exhibitor is issued a license or is registered, the Department will assign identification letters and numbers and inform them of the identification letters and numbers to be used on the official tags.

FR 36147, Aug. 31, 1969, as amended at 68 FR 62927, Nov. 10, 1998)

§2.53 Use of tags.

Official tags obtained by a dealer, exhibitor, or research facility, shall be applied to dogs or cats in the manner set forth in §2.50 and in as close to consecutive numerical order as possible. No tag number shall be used to identify more than one animal. No number shall be repeated within a 5-year period.

§2.54 Lost tags.

Each dealer or exhibitor shall be held accountable for all official tags acquired. In the event an official tag is lost from a dog or cat while in the possession of a dealer or exhibitor, the

^{1A} A list of the commercial manufacturers who produce these tags and are known to the Department may be obtained from the AC Regional Director. Any manufacturer who desires to be included in the list should notify the Administrator.

dealer or exhibitor shall make a diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the dealer or exhibitor shall affix another official tag to the animal in the manner prescribed in §2.50, and record the tag number on the official records.

§2.55 Removal and disposal of tags.

(a) Where a dog or cat to which is affixed or which is identified by an official tag is euthanized, or dies from other causes, the dealer or exhibitor shall remove and retain the tag for the required period, as set forth in paragraph (b) of this section.

(b) All official tags removed and retained by a dealer or exhibitor shall be held until called for by an APHIS official or for a period of 1 year.

(c) When official tags are removed from animals for disposal, the tags must be disposed of so as to preclude their reuse for animal identification. No animal identification number shall be used within any 5-year period following its previous use.

Subpart F—Stolen Animals

§2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.

No person shall buy, sell, exhibit, use for research, transport, or offer for transportation, any stolen animal.

Subpart G—Records

§2.75 Records: Dealers and exhibitors.

(a)(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

(i) The name and address of the person from whom a dog or cat was pur-

chased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;

(ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(iii) The vehicle license number and State, and the driver's license number (or photographic identification card for nondrivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;

(iv) The name and address of the person to whom a dog or cat was sold or given and that person's license or registration number if he or she is licensed or registered under the Act;

(v) The date a dog or cat was acquired or disposed of, including by euthanasia;

(vi) The official USDA tag number or tattoo assigned to a dog or cat under §§2.50 and 2.54;

(vii) A description of each dog or cat which shall include:

- (A) The species and breed or type;
- (B) The sex;
- (C) The date of birth or approximate age; and
- (D) The color and any distinctive markings;

(viii) The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

(ix) The date and method of disposition of a dog or cat, e.g., sale, death, euthanasia, or donation.

(2) Each dealer and exhibitor shall use Record of Acquisition and Dogs and Cats on Hand (APHIS Form 7005) and Record of Disposition of Dogs and Cats (APHIS Form 7006) to make, keep, and maintain the information required by paragraph (a)(1) of this section. Provided, that if a dealer or exhibitor who uses a computerized recordkeeping system believes that APHIS Form 7005 and APHIS Form 7006 are unsuitable for him or her to make, keep, and maintain the information required by paragraph (a)(1) of this section, the dealer or exhibitor may request a variance from the requirement to use APHIS Form 7005 and APHIS Form 7006.

animals securely, and restrict other animals from entering.

(b) *Condition and site.* Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs. Housing facilities other than those maintained by research facilities and Federal research facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals be the size of dogs, skunks, and raccoons are prevented from entering it.

(c) *Surfaces—(1) General requirements.* The surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility—must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

(i) Be free of excessive rust that prevents the required cleaning and sanitation, or that affects the structural strength of the surface; and

(ii) Be free of jagged edges or sharp points that might injure the animals.

(2) *Maintenance and replacement of surfaces.* All surfaces must be maintained on a regular basis. Surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

(3) *Cleaning.* Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with § 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding,

sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in § 3.11(b)(3) for primary enclosures.

(d) *Water and electric power.* The housing facility must have reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this subpart. The housing facility must provide adequate running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(e) *Storage.* Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(f) *Drainage and waste disposal.* Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water,

other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas must be leakproof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(g) *Washrooms and sinks.* Washing facilities such as washrooms, basins, sinks, or showers must be provided for animal caretakers and must be readily accessible.

§ 3.2 Indoor housing facilities.

(a) *Heating, cooling, and temperature.* Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. When dogs or cats are present, the ambient temperature in the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian. Dry bedding,

solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) *Ventilation.* Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(c) *Lighting.* Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

(d) *Interior surfaces.* The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture

or be replaceable (e.g., a suspended ceiling with replaceable panels).

156 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, Mar. 4, 1998]

§ 3.3 Sheltered housing facilities.

(a) *Heating, cooling, and temperature.* The sheltered part of sheltered housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs or cats, except as approved by the attending veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) *Ventilation.* The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher.

(c) *Lighting.* Sheltered housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

(d) *Shelter from the elements.* Dogs and cats must be provided with adequate shelter from the elements at all times to protect their health and well-being. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(e) *Surfaces.* (1) The following areas in sheltered housing facilities must be impervious to moisture:

- Indoor floor areas in contact with the animals;
- Outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material such as wire, wood, metal, or concrete; and
- All walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may consist of compacted earth, absorbent bedding, sand, gravel, or grass.

kept in outdoor facilities when the ambient temperature is less than 50 °F (10 °C).

(b) *Shelter from the elements.* Outdoor facilities for dogs or cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats must contain a roof, four sides, and a floor, and must:

- Provide the dogs and cats with adequate protection and shelter from the cold and heat;
- Provide the dogs and cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- Be provided with a wind break and rain break at the entrance; and
- Contain clean, dry bedding material if the ambient temperature is below 50 °F (10 °C). Additional clean, dry bedding is required when the temperature is 35 °F (1.7 °C) or lower.

(c) *Construction.* Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cans, refrigerators or freezers, and the like must not be used as shelter structures. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained on a regular basis. Surfaces of outdoor housing facilities—including houses, dens, etc.—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

§ 3.5 Mobile or traveling housing facilities.

(a) *Heating, cooling, and temperature.* Mobile or traveling housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the mobile or traveling housing facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when dogs or cats are present, and must not exceed 85 °F (29.5 °C) for more than 4 consecutive hours when dogs or cats are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) *Ventilation.* Mobile or traveling housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for the health and well-being of the animals, and to minimize odors, drafts, ammonia levels, moisture condensation, and exhaust fumes. Ventilation must be provided by means of windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning, must be provided when the ambient temperature within the animal housing area is 85 °F (29.5 °C) or higher.

(c) *Lighting.* Mobile or traveling housing facilities for dogs and cats must be lighted well enough to permit proper cleaning and inspection of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffuse throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals.

[32 FR 3273, Feb. 24, 1967, as amended at FR 10498, Mar. 4, 1998]

§3.6 Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) *General requirements.* (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

(2) Primary enclosures must be constructed and maintained so that they:

- (i) Have no sharp points or edges that could injure the dogs and cats;
- (ii) Protect the dogs and cats from injury;
- (iii) Contain the dogs and cats securely;
- (iv) Keep other animals from entering the enclosure;
- (v) Enable the dogs and cats to remain dry and clean;
- (vi) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats;
- (vii) Provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time;
- (viii) Provide all the dogs and cats with easy and convenient access to clean food and water;
- (ix) Enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with §3.11(b) of this subpart, or be replaceable when worn or soiled;
- (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;
- (xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
- (xii) Primary enclosures constructed on or after February 20, 1998 and floors replaced on or after that date, must comply with the requirements in this paragraph (a)(2). On or after January 21, 2000, all primary enclosures must be in compliance with the requirements in this paragraph (a)(2). If the suspended floor of a primary enclosure is con-

structed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

(b) *Additional requirements for cats—*
 (1) *Space.* Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:

- (i) Prior to February 15, 1994 each cat housed in any primary enclosure shall be provided a minimum of 2 1/2 square feet of floor space;
- (ii) On and after February 15, 1994:

(A) Each primary enclosure housing cats must be at least 24 in. high (60.96 cm);

(B) Cats up to and including 8.8 lbs (4 kg) must be provided with at least 3.0 ft² (0.28 m²);

(C) Cats over 8.8 lbs (4 kg) must be provided with at least 4.0 ft² (0.37 m²);

(iii) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing kitten is equivalent to less than 5 percent of the minimum requirement for the queen, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator; and

(iv) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

(2) *Compatibility.* All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, queens with litters may not be housed in the same primary enclosure with other

adult cats, and kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.

(3) *Litter.* In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.

(4) *Resting surfaces.* Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized, or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(5) *Cats in mobile or traveling shows or acts.* Cats that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of §3.14 of this subpart other than the marking requirements in §3.14(a)(6) of this subpart. When the show or act is not traveling, the cats must be placed in primary enclosures that meet the minimum requirements of this section.

(c) *Additional requirements for dogs—*
 (1) *Space.* (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) × (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

(ii) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as deter-

mined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than 5 percent of the minimum requirement for the bitch, such housing must be approved by the attending veterinarian in the case of a research facility, and, in the case of dealers and exhibitors, such housing must be approved by the Administrator.

(iii) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

(2) *Compatibility.* All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.

(3) *Dogs in mobile or traveling shows or acts.* Dogs that are part of a mobile or traveling show or act may be kept, while the show or act is traveling from one temporary location to another, in transport containers that comply with all requirements of §3.14 of this subpart other than the marking requirements in §3.14(a)(6) of this subpart. When the show or act is not traveling, the dogs must be placed in primary enclosures that meet the minimum requirements of this section.

(4) *Prohibited means of primary enclosure.* Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in

Paragraphs (b)(1) and (c)(1) of this section, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used at research facilities when approved by the Committee, and by dealers and exhibitors when approved by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0093)

[56 FR 6486, Feb. 15, 1991, as amended at 62 FR 43275, Aug. 13, 1997; 63 FR 3023, Jan. 21, 1998; 63 FR 57482, July 13, 1998]

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.7 Compatible grouping.

Dogs and cats that are housed in the same primary enclosure must be compatible, with the following restrictions:

(a) Females¹ in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Any dog or cat exhibiting a vicious or overly aggressive disposition must be housed separately.

(c) Puppies or kittens 4 months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies.

(d) Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

(e) Dogs and cats that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

§ 3.8 Exercise for dogs.

Dealers, exhibitors, and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan

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must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

(a) *Dogs housed individually.* Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any dealer, exhibitor, or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by § 3.6(c)(1) of this subpart.

(b) *Dogs housed in groups.* Dogs over 12 weeks of age housed, held, or maintained in groups by any dealer, exhibitor, or research facility, including Federal research facilities, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

(1) Housing in compatible groups is not in accordance with a research proposal and the proposal has been approved by the research facility Committee;

(2) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or

(3) Any dog exhibits aggressive or vicious behavior.

(c) *Methods and period of providing exercise opportunity.* (1) The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian and, at research facilities, in consultation with and approval by the Committee.

(2) Dealers, exhibitors, and research facilities, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

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(3) The opportunity for exercise may be provided in a number of ways, such as:

(i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of § 3.6(c)(1) of this subpart;

(ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by § 3.6(c)(1) of this subpart;

(iii) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(iv) Other similar activities.

(4) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(d) *Exemptions.* (1) If in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the dealer, exhibitor, or research facility may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by the attending veterinarian.

(2) A research facility may be exempted from the requirements of this section if the principal investigator determines for scientific reasons set forth in the research proposal that it is inappropriate for certain dogs to exercise. Such exemption must be documented in the Committee-approved proposal and must be reviewed at appropriate intervals as determined by the Committee, but not less than annually.

(3) Records of any exemptions must be maintained and made available to USDA officials or any pertinent funding Federal agency upon request.

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§ 3.9 Feeding.

(a) Dogs and cats must be fed at least once each day, except as otherwise might be required to provide adequate

veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

(b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with § 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in § 3.11(b)(3) of this subpart. If the food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with § 3.11(b) of this subpart. Measures must be taken to ensure that there is no moulding, deterioration, and caking of feed.

§ 3.10 Watering.

If potable water is not continually available to the dogs and cats, it must be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by the attending veterinarian. Water receptacles must be kept clean and sanitized in accordance with § 3.11(b) of this subpart, and before being used to water a different dog or cat or social grouping of dogs or cats.

§ 3.11 Cleaning, sanitization, house-keeping, and pest control.

(a) *Cleaning of primary enclosures.* Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure,

whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests, insects and odors.

(b) *Sanitization of primary enclosures and food and water receptacles.* (1) Used primary enclosures and food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:

(i) Lave steam under pressure;

(ii) Washing with hot water (at least 180 °F (82.2 °C)) and soap or detergent, as with a mechanical cage washer; or

(iii) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.

(4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in paragraph (b)(3) of this section, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by re-

moving the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) *Housekeeping for premises.* Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) *Pest control.* An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 3023, Jan. 21, 1998]

§ 3.12 Employees.

Each person subject to the Animal Welfare Regulations (9 CFR parts 1, 2, and 3) maintaining dogs and cats must have enough employees to carry out the level of husbandry practices and care required in this subpart. The employees who provide for husbandry and care, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

TRANSPORTATION STANDARDS

§ 3.13 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce more than 4 hours before the scheduled departure time of the primary conveyance on which the animal is to be transported. However, a carrier or intermediate

handler may agree with anyone consigning a dog or cat to extend this time by up to 2 hours.

(b) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless they are provided with the name, address, and telephone number of the consignee.

(c) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless the consignee certifies in writing to the carrier or intermediate handler that the dog or cat was offered food and water during the 4 hours before delivery to the carrier or intermediate handler. The certification must be securely attached to the outside of the primary enclosure in a manner that makes it easily noticed and read. Instructions for no food or water are not acceptable unless directed by the attending veterinarian. Instructions must be in compliance with §3.16 of this subpart. The certification must include the following information for each dog and cat:

(1) The consignee's name and address;

(2) The tag number or tattoo assigned to each dog or cat under §§2.38 and 2.50 of this chapter;

(3) The time and date the animal was last fed and watered and the specific instructions for the next feeding(s) and watering(s) for a 24-hour period; and

(4) The consignee's signature and the date and time the certification was signed.

(d) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce in a primary enclosure unless the primary enclosure meets the requirements of §3.14 of this subpart. A carrier or intermediate handler must not accept a dog or cat for transport if the primary enclosure is obviously defective or damaged and cannot reasonably be expected to safely and comfortably contain the dog or cat without causing suffering or injury.

(e) Carriers and intermediate handlers must not accept a dog or cat for transport in commerce unless their animal holding area meets the minimum temperature requirements provided in §§3.18 and 3.19 of this subpart, or unless the consignee provides them with a certificate signed by a veterinarian and dated no more than 10 days

before delivery of the animal to the carrier or intermediate handler for transport in commerce, certifying that the animal is acclimated to temperatures lower than those required in §§3.18 and 3.19 of this subpart. Even if the carrier or intermediate handler receives this certification, the temperatures the dog or cat is exposed to while in a terminal facility must not be lower than 45 °F (2.2 °C) for more than 4 consecutive hours when dogs or cats are present, as set forth in §3.18, nor lower than 45 °F (2.2 °C) for more than 45 minutes, as set forth in §3.19, when moving dogs or cats to or from terminal facilities or primary conveyances. A copy of the certification must accompany the dog or cat to its destination and must include the following information:

(1) The consignee's name and address;

(2) The tag number or tattoo assigned to each dog or cat under §§2.38 and 2.50 of this chapter;

(3) A statement by a veterinarian, dated no more than 10 days before delivery, that to the best of his or her knowledge, each of the dogs or cats acclimated in the primary enclosure is acclimated to air temperatures lower than 50 °F (10 °C), but not lower than a minimum temperature, specified on a certificate, that the attending veterinarian has determined is based on generally accepted temperature standards for the age, condition, and breed of the dog or cat; and

(4) The signature of the veterinarian and the date the certification was signed.

(f) When a primary enclosure containing a dog or cat has arrived at the animal holding area at a terminal facility after transport, the carrier or intermediate handler must attempt to notify the consignee upon arrival and at least once in every 6-hour period thereafter. The time, date, and method of all attempted notifications and the actual notification of the consignee and the name of the person who notifies or attempts to notify the consignee must be written either on the carrier's or intermediate handler's copy of the shipping document or on the copy that accompanies the primary enclosure. If the consignee cannot be notified withi

24 hours after the dog or cat has arrived at the terminal facility, the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. If the consignee is notified of the arrival and does not accept delivery of the dog or cat within 48 hours after arrival of the dog or cat, the carrier or intermediate handler must return the animal to the consignor or to whomever the consignor designates. The carrier or intermediate handler must continue to provide proper care, feeding, and housing to the dog or cat, and maintain the dog or cat in accordance with generally accepted professional and husbandry practices until the consignee accepts delivery of the dog or cat or until it is returned to the consignor or to whomever the consignor designates. The carrier or intermediate handler must obligate the consignor to reimburse the carrier or intermediate handler for the cost of return transportation and care.

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§ 3.14 Primary enclosures used to transport live dogs and cats.

Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must not transport or deliver for transport in commerce a dog or cat unless the following requirements are met:

(a) *Construction of primary enclosures.* The dog or cat must be contained in a primary enclosure such as a compartment, transport cage, carton, or crate. Primary enclosures used to transport dogs and cats must be constructed so that:

(1) The primary enclosure is strong enough to contain the dogs and cats securely and comfortably and to withstand the normal rigors of transportation;

(2) The interior of the primary enclosure has no sharp points or edges and no protrusions that could injure the animal contained in it;

(3) The dog or cat is at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby;

(4) The dog or cat can be easily and quickly removed from the enclosure in an emergency;

(5) Unless the enclosure is permanently affixed to the conveyance, adequate devices such as handles or handholds are provided on its exterior, and enable the enclosure to be lifted without tilting it, and ensure that anyone handling the enclosure will not come into physical contact with the animal contained inside;

(6) Unless the enclosure is permanently affixed to the conveyance, it is clearly marked on top and on one or more sides with the words "Live Animals," in letters at least 1 inch (2.5 cm), high, and with arrows or other markings to indicate the correct upright position of the primary enclosure;

(7) Any material, treatment, paint, preservative, or other chemical used in or on the enclosure is nontoxic to the animal and not harmful to the health or well-being of the animal;

(8) Proper ventilation is provided to the animal in accordance with paragraph (c) of this section; and

(9) The primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. If a slatted or mesh floor is used in the enclosure, it must be designed and constructed so that the animal cannot put any part of its body between the slats or through the holes in the mesh. Unless the dogs and cats are on raised slatted floors or raised floors made of mesh, the primary enclosure must contain enough previously unused litter to absorb and cover excreta. The litter must be of a suitably absorbent material that is safe and nontoxic to the dogs and cats.

(b) *Cleaning of primary enclosures.* A primary enclosure used to hold or transport dogs or cats in commerce must be cleaned and sanitized before each use in accordance with the methods provided in § 3.11(b)(3) of this subpart. If the dogs or cats are in transit for more than 24 hours, the enclosures must be cleaned and any litter replaced, or other methods, such as moving the animals to another enclosure,

must be utilized to prevent the soiling of the dogs or cats by body wastes. If it becomes necessary to remove the dog or cat from the enclosure in order to clean, or to move the dog or cat to another enclosure, this procedure must be completed in a way that safeguards the dog or cat from injury and prevents escape.

(c) *Ventilation.* (1) Unless the primary enclosure is permanently affixed to the conveyance, there must be:

(i) Ventilation openings located on two opposing walls of the primary enclosure and the openings must be at least 16 percent of the surface area of each such wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(ii) Ventilation openings on three walls of the primary enclosure, and the openings on each of the two opposing walls must be at least 8 percent of the total surface area of the two walls, and the ventilation openings on the third wall of the primary enclosure must be at least 50 percent of the total surface area of that wall, and the total combined surface area of the ventilation openings must be at least 14 percent of the total combined surface area of all the walls of the primary enclosure; or

(iii) Ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each of the four walls must be at least 8 percent of the total surface area of each such wall, and the total combined surface area of the openings must be at least 14 percent of total combined surface area of all the walls of the primary enclosure; and

(iv) At least one-third of the ventilation area must be located on the upper half of the primary enclosure.

(2) Unless the primary enclosure is permanently affixed to the conveyance, projecting rims or similar devices must be located on the exterior of each enclosure wall having a ventilation opening, in order to prevent obstruction of the openings. The projecting rims or similar devices must be large enough to provide a minimum air circulation space of 0.75 in. (1.9 cm) between the primary enclosure and anything the enclosure is placed against.

(3) If a primary enclosure is permanently affixed to the primary conveyance so that there is only a front ventilation opening for the enclosure, the primary enclosure must be affixed to the primary conveyance in such a way that the front ventilation opening cannot be blocked, and the front ventilation opening must open directly to an unobstructed aisle or passageway inside the conveyance. The ventilation opening must be at least 90 percent of the total area of the front wall of the enclosure, and must be covered with bars, wire mesh, or smooth expanded metal having air spaces.

(d) *Compatibility.* (1) Live dogs or cats transported in the same primary enclosure must be of the same species and be maintained in compatible groups, except that dogs and cats that are private pets, are of comparable size, and are compatible, may be transported in the same primary enclosure.

(2) Puppies or kittens 4 months of age or less may not be transported in the same primary enclosure with adult dogs or cats other than their dams.

(3) Dogs or cats that are overly aggressive or exhibit a vicious disposition must be transported individually in a primary enclosure.

(4) Any female dog or cat in heat (estrus) may not be transported in the same primary enclosure with any male dog or cat.

(e) *Space and placement.* (1) Primary enclosures used to transport live dogs and cats must be large enough to ensure that each animal contained in the primary enclosure has enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position.

(2) Primary enclosures used to transport dogs and cats must be positioned in the primary conveyance so as to provide protection from the elements.

(f) *Transportation by air.* (1) No more than one live dog or cat, 6 months of age or older, may be transported in the same primary enclosure when shipped via air carrier.

(2) No more than one live puppy, 8 weeks to 6 months of age, and weighing over 20 lbs (9 kg), may be transported in a primary enclosure when shipped via air carrier.

(3) No more than two live puppies or kittens, 8 weeks to 6 months of age, that are of comparable size, and weighing 20 lbs (9 kg) or less each, may be transported in the same primary enclosure when shipped via air carrier.

(4) Weaned live puppies or kittens less than 8 weeks of age and of comparable size, or puppies or kittens that are less than 8 weeks of age that are littermates and are accompanied by their dam, may be transported in the same primary enclosure when shipped to research facilities, including Federal research facilities.

(g) *Transportation by surface vehicle or privately owned aircraft.* (1) No more than four live dogs or cats, 8 weeks of age or older, that are of comparable size, may be transported in the same primary enclosure when shipped by surface vehicle (including ground and water transportation) or privately owned aircraft, and only if all other requirements of this section are met.

(2) Weaned live puppies or kittens less than 8 weeks of age and of comparable size, or puppies or kittens that are less than 8 weeks of age that are littermates and are accompanied by their dam, may be transported in the same primary enclosure when shipped to research facilities, including Federal research facilities, and only if all other requirements in this section are met.

(h) *Accompanying documents and records.* Shipping documents that must accompany shipments of dogs and cats may be held by the operator of the primary conveyance, for surface transportation only, or must be securely attached in a readily accessible manner to the outside of any primary enclosure that is part of the shipment, in a manner that allows them to be detached for examination and securely reattached, such as in a pocket or sleeve. Instructions for administration of drugs, medication, and other special care must be attached to each primary enclosure in a manner that makes them easy to notice, to detach for examination, and to reattach securely. Food and water instructions must be attached in accordance with § 3.13(c).

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[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 3023, Jan. 21, 1998]

§ 3.15 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used to transport dogs and cats must be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the animals transported in them, ensures their safety and comfort, and prevents the entry of engine exhaust from the primary conveyance during transportation.

(b) The animal cargo space must have a supply of air that is sufficient for the normal breathing of all the animals being transported in it.

(c) Each primary enclosure containing dogs or cats must be positioned in the animal cargo space in a manner that provides protection from the elements and that allows each dog or cat enough air for normal breathing.

(d) During air transportation, dogs and cats must be held in cargo areas that are heated or cooled as necessary to maintain an ambient temperature and humidity that ensures the health and well-being of the dogs or cats. The cargo areas must be pressurized when the primary conveyance used for air transportation is not on the ground, unless flying under 8,000 ft. Dogs and cats must have adequate air for breathing at all times when being transported.

(e) During surface transportation, auxiliary ventilation, such as fans, blowers or air conditioning, must be used in any animal cargo space containing live dogs or cats when the ambient temperature within the animal cargo space reaches 85 °F (29.5 °C). Moreover, the ambient temperature may not exceed 85 °F (29.5 °C) for a period of more than 4 hours; nor fall below 45 °F (7.2 °C) for a period of more than 4 hours. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(f) Primary enclosures must be positioned in the primary conveyance in a manner that allows the dogs and cats to be quickly and easily removed from the primary conveyance in an emergency.

(g) The interior of the animal cargo space must be kept clean.

(h) Live dogs and cats may not be transported with any material, substance (e.g., dry ice) or device in a manner that may reasonably be expected to harm the dogs and cats or cause inhumane conditions.

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10498, 10499, Mar. 4, 1998]

§ 3.16 Food and water requirements.

(a) Each dog and cat that is 16 weeks of age or more must be offered food at least once every 24 hours. Puppies and kittens less than 16 weeks of age must be offered food at least once every 12 hours. Each dog and cat must be offered potable water at least once every 12 hours. These time periods apply to dealers, exhibitors, research facilities, including Federal research facilities, who transport dogs and cats in their own primary conveyance, starting from the time the dog or cat was last offered food and potable water before transportation was begun. These time periods apply to carriers and intermediate handlers starting from the date and time stated on the certificate provided under § 3.13(c) of this subpart. Each dog and cat must be offered food and potable water within 4 hours before being transported in commerce. Consignors who are subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must certify that each dog and cat was offered food and potable water within the 4 hours preceding delivery of the dog or cat to a carrier or intermediate handler for transportation in commerce, and must certify the date and time the food and potable water was offered, in accordance with § 3.13(c) of this subpart.

(b) Any dealer, research facility, including a Federal research facility, or exhibitor offering any dog or cat to a carrier or intermediate handler for transportation in commerce must securely attach to the outside of the primary enclosure used for transporting the dog or cat, written instructions for the in-transit food and water requirements for a 24-hour period for the dogs and cats contained in the enclosure. The instructions must be attached in a manner that makes them easily noticed and read.

(c) Food and water receptacles must be securely attached inside the pri-

mary enclosure and placed so that the receptacles can be filled from outside the enclosure without opening the door. Food and water containers must be designed, constructed, and installed so that a dog or cat cannot leave the primary enclosure through the food or water opening.

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§ 3.17 Care in transit.

(a) *Surface transportation (ground and water).* Any person subject to the Animal Welfare regulations transporting dogs or cats in commerce must ensure that the operator of the conveyance, or a person accompanying the operator, observes the dogs or cats, as often as circumstances allow, but not less than once every 4 hours, to make sure they have sufficient air for normal breathing, that the ambient temperature is within the limits provided in § 3.15(e), and that all applicable standards of this subpart are being complied with. The regulated person must ensure that the operator or person accompanying the operator determines whether any of the dogs or cats are in obvious physical distress and obtains any veterinary care needed for the dogs or cats at the closest available veterinary facility.

(b) *Air transportation.* During air transportation of dogs or cats, it is the responsibility of the carrier to observe the dogs or cats as frequently as circumstances allow, but not less than once every 4 hours if the animal cargo area is accessible during flight. If the animal cargo area is not accessible during flight, the carrier must observe the dogs or cats whenever they are loaded and unloaded and whenever the animal cargo space is otherwise accessible to make sure they have sufficient air for normal breathing, that the animal cargo area meets the heating and cooling requirements of § 3.15(d), and that all other applicable standards of this subpart are being complied with. The carrier must determine whether any of the dogs or cats are in obvious physical distress, and arrange for any needed veterinary care as soon as possible.

(c) If a dog or cat is obviously ill, injured, or in physical distress, it must

not be transported in commerce, except to receive veterinary care for the condition.

(d) Except during the cleaning of primary enclosures, as required in § 3.14(b) of this subpart, during transportation in commerce a dog or cat must not be removed from its primary enclosure, unless it is placed in another primary enclosure or facility that meets the requirements of § 3.6 or § 3.14 of this subpart.

(e) The transportation regulations contained in this subpart must be complied with until a consignee takes physical delivery of the dog or cat if the animal is consigned for transportation, or until the animal is returned to the consignor.

§ 3.18 Terminal facilities.

(a) *Placement.* Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) must not commingle shipments of dogs or cats with inanimate cargo in animal holding areas of terminal facilities.

(b) *Cleaning, sanitization, and pest control.* All animal holding areas of terminal facilities must be cleaned and sanitized in a manner prescribed in § 3.11(b)(3) of this subpart, as often as necessary to prevent an accumulation of debris or excreta and to minimize vermin infestation and disease hazards. Terminal facilities must follow an effective program in all animal holding areas for the control of insects, ectoparasites, and birds and mammals that are pests to dogs and cats.

(c) *Ventilation.* Ventilation must be provided in any animal holding area in a terminal facility containing dogs or cats, by means of windows, doors, vents, or air conditioning. The air must be circulated by fans, blowers, or air conditioning so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans, vents, fans, blowers, or air conditioning must be used in any animal holding area containing dogs and cats, when the ambient temperature is 85 °F (29.5 °C) or higher.

(d) *Temperature.* The ambient temperature in an animal holding area containing dogs or cats must not fall below 45 °F (7.2 °C) or rise above 86 °F (29.5 °C) for more than four consecutive

hours at any time dogs or cats are present. The ambient temperature must be measured in the animal holding area by the carrier, intermediate handler, or a person transporting dogs or cats who is subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3), outside any primary enclosure containing a dog or cat at a point not more than 3 feet (0.91 m) away from an outside wall of the primary enclosure, and approximately midway up the side of the enclosure. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(e) *Shelter.* Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) holding a live dog or cat in an animal holding area of a terminal facility must provide the following:

(1) *Shelter from sunlight and extreme heat.* Shade must be provided that is sufficient to protect the dog or cat from the direct rays of the sun.

(2) *Shelter from rain or snow.* Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

(f) *Duration.* The length of time any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) can hold dogs and cats in animal holding areas of terminal facilities upon arrival is the same as that provided in § 3.13(d) of this subpart.

[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10499, Mar. 4, 1998]

§ 3.19 Handling.

(a) Any person subject to the Animal Welfare regulations (9 CFR parts 1, 2, and 3) who moves (including loading and unloading) dogs or cats within, to, or from the animal holding area of a terminal facility or a primary conveyance must do so as quickly and efficiently as possible and must provide the following during movement of the dog or cat:

(1) *Shelter from sunlight and extreme heat.* Sufficient shade must be provided to protect the dog or cat from the direct rays of the sun. The dog or cat must not be exposed to an ambient air temperature above 85 °F (29.5 °C) for a

period of more than 45 minutes while being moved to or from a primary conveyance or a terminal facility. The temperature must be measured in the manner provided in § 3.18(d) of this subpart. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(2) *Shelter from rain and snow.* Sufficient protection must be provided to allow the dogs and cats to remain dry during rain, snow, and other precipitation.

(3) *Shelter from cold temperatures.* Transporting devices on which live dogs or cats are placed to move them must be covered to protect the animals when the outdoor temperature falls below 50 °F (10 °C). The dogs or cats must not be exposed to an ambient temperature below 45 °F (7.2 °C) for a period of more than 45 minutes, unless they are accompanied by a certificate of acclimation to lower temperatures as provided in § 3.13(e). The temperature must be measured in the manner provided in § 3.18(d) of this subpart. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(b) Any person handling a primary enclosure containing a dog or cat must use care and must avoid causing physical harm or distress to the dog or cat.

(1) A primary enclosure containing a live dog or cat must not be placed on unattended conveyor belts, or on elevated conveyor belts, such as baggage claim conveyor belts and inclined conveyor ramps that lead to baggage claim areas, at any time, except that a primary enclosure may be placed on inclined conveyor ramps used to load and unload aircraft if an attendant is present at each end of the conveyor belt.

(2) A primary enclosure containing a dog or cat must not be tossed, dropped, or needlessly tilted, and must not be stacked in a manner that may reasonably be expected to result in its falling. It must be handled and positioned in the manner that written instructions and arrows on the outside of the primary enclosure indicate.

(c) This section applies to movement of a dog or cat from primary conveyance to primary conveyance, within a primary conveyance or terminal facility, and to or from a terminal facility or a primary conveyance.

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[56 FR 6486, Feb. 15, 1991, as amended at 63 FR 10499, Mar. 4, 1998]

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

§ 3.25 Facilities, general.

(a) *Structural strength.* Indoor and outdoor housing facilities for guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against spoilage or deterioration by infestation or contamination by vermin. Food supplies shall be stored in containers with tightly fitting lids or covers or in the original containers as received from the commercial sources of supply. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

[32 FR 3275, Feb. 24, 1967, as amended at 44 FR 63492, Nov. 2, 1979]