Passed in its original form in 1966, the Animal Welfare Act has evolved into our most comprehensive legislation protecting animals at the national level. Although the Animal Welfare Act, on paper, safeguards many species used in laboratories, puppy mills, circuses, and other potentially abusive situations, in practice, it lacks important provisions.

What is the Animal Welfare Act? How does it work? Who does it protect?

In this, the first of two articles, we will examine the content of the Act, its history, and its intent. In the Spring issue of the News, part two will evaluate the Act in action through case histories from our files.
UNDERSTANDING THE ANIMAL WELFARE ACT

Imagine this: As you park your car at the local shopping mall, a traveling animal exhibit set up in the parking lot catches your eye. There, in front, is a lion in a cage so small the animal cannot stand up or turn around. No food or water is in the filthy cage. The temperature is in the high eighties, and the animal obviously needs water. You want to do something, but you have no idea what you can do. You shake your head sadly and walk away.

Now, imagine this:

Having evaluated the lion’s situation, you inquire of the operator if he is properly licensed by the U.S. Department of Agriculture. You note that the cage size does not meet United States Department of Agriculture (USDA) specifications. The exhibitor tells you he only feeds the lion whatever he can get from local grocery stores and provides water once each evening. You realize this violates the USDA regulations for food and water. The exhibitor says he rarely cleans the cage because the animal is too dangerous. You immediately proceed to a phone booth and call in a complaint to the nearest USDA office.

Your knowledge of the Animal Welfare Act has just helped you take steps to help an animal in distress.

This federal law does not protect all animals all the time, but it does require the humane treatment of many animals, particularly those used in research, those bought and sold commercially, and those used for commercial purposes, as in zoos and circuses. The Animal Welfare Act provides protections for animals that few state, and no other federal, laws duplicate. It is one of animal protectionists’ most important tools for fighting animal abuse and inhumane treatment in many circumstances.

Yet, many people, even well-informed humanitarians, have only a vague understanding of what the Act covers—or just as important, what it doesn’t cover—and how it is enforced. Admittedly, reading the Act and trying to understand the regulations—sixty-three pages, single-spaced, of federalese—can be a daunting prospect. With this article, we’ve tried to make it easier for you.

The summary of the Animal Welfare Act (see p. 19) is designed to be used as a handy reference on its own. Tear it out of the

B Y A N N C H U R C H
The Animal Welfare Act provides protections for animals that few state, and no other federal, laws duplicate.

magazine or copy it and keep it in your car's glove compartment for quick reference when you see a possible violation of the Act. We've included space for the telephone number of the HSUS regional office nearest you, which can give you quick assistance, and left spaces for you to jot down the number of your state's USDA/APHIS office and other helpful numbers.

We encourage you to write to USDA for more information and to become familiar with the Act's regulations. Animal protectionists can be a powerful force if they demand better enforcement of the AWA and can help countless numbers of animals whose suffering might otherwise continue undetected and unreported.

Background

In 1966, congressional members were deluged by letters from outraged citizens concerned about their dogs. Spurred on by a Life magazine article that told of a pet dog that had been stolen and ultimately ended up in a research facility, people wanted their pets protected and animals in laboratories to be treated humanely. At the time, The HSUS estimated that 50 percent of all missing pets were stolen by "dognappers" who then sold them to dealers who would sell them to research laboratories. In response to the intense public pressure, Congress passed the Laboratory Animal Welfare Act, now known as the Animal Welfare Act.

The purposes of the 1966 Laboratory Animal Welfare Act were to protect the owners of dogs and cats from the theft of their pets; to prevent the use or sale of stolen dogs or cats for purposes of research or experimentation; and to establish humane standards for the treatment of dogs, cats, and certain other animals by animal dealers and medical research facilities. The Act required the licensing of animal dealers and made it unlawful for a research facility to purchase animals from an unlicensed dealer. Power to administer and enforce the Act was given to the USDA, and the Act provides criminal penalties as well as suspension or revocation of a dealer's license for violations of the Act.

The Lyndon Johnson administration—under pressure from researchers at the National Institutes of Health—initially opposed the bill, but supported it eventually. The Laboratory Animal Welfare Act was eventually renamed the Animal Welfare Act when it extended its protection beyond the realm of the laboratory.

There are other federal laws that were enacted for the express purpose of protecting animals: the Humane Slaughter Act, the Wild Horse Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Horse Protection Act. But the Animal Welfare Act is the only law that provides limited protection for dogs, cats, and other small and domestic animals.

Evolution of the Law

As public pressure in 1966 mounted to halt the theft of family dogs, Congress became receptive to the idea of protecting animals in research facilities, as well. It would only go a little way toward this goal, however. Animals were to be treated humanely prior to and after an experiment, but no limitations were imposed on researchers while actually performing an experiment. Dogs, cats, nonhuman primates, hamsters, and guinea pigs in laboratories were protected, but the numerous other animals used were not.

Animal dealers, those people who keep the animal slave trade a reality, were not put out of business, but were to be "strictly" regulated. The secretary of agriculture was directed by the law to issue licenses to all dealers involved in the purchase, sale, and transport of dogs and cats for research purposes. Pet owners, farmers, and others who did not earn a "substantial" portion of their income from such trade were exempted. Dealers also were required to comply with the humane standards for care established by USDA regulations.

Research facilities were required to buy their dogs and cats only from licensed dealers, unless the dealer was exempt from the law, or from unlicensed animal pounds. (The HSUS opposes the sale of animals from shelters. This practice, known as pound seizure, is illegal in many states.)

In 1970, Congress once again tackled the animal-welfare issue. This time it extended

THE ANIMAL WELFARE ACT AT A GLANCE (1987 FIGURES)

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
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<tbody>
<tr>
<td>Number of USDA registered research facilities:</td>
<td>1,260</td>
</tr>
<tr>
<td>Number of USDA licensed dealers:</td>
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<td>Number of USDA registered carriers and intermediate handlers:</td>
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<td>Number of animals used in research covered by Act:</td>
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<td>Number of animals covered by the Act in painful experimentation that received no painkillers:</td>
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<td>Number of USDA investigations of alleged violations:</td>
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<td>Number of USDA licensed animal exhibitors:</td>
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<tr>
<td>Number of USDA registered animal exhibitors:</td>
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The Act is administered by the USDA's Animal and Plant Health Inspection Service (APHIS).

The AVIC is the Area Veterinarian in Charge, a USDA employee located in almost all of the state capitals who will evaluate cruelty investigations in that state.

In general, research facilities are registered; dealers and exhibitors must be licensed. Federal research facilities are not monitored for enforcement by the USDA. They are self-regulated.
Enacted in 1966, Amended and broadened in 1970, 1976, and 1985, the Animal Welfare Act is a relatively short document that outlines the law’s intent and directs the secretary of agriculture to write regulations for implementation. The current regulations (now being revised) are more than sixty-three pages long. Getting good regulations adopted is just as important as getting a good law enacted.

**Humane Standards:** The regulations set minimum standards for the care and handling of all animals covered by the Act. Housing, water, veterinary care, sanitation, and transportation standards have been established. For example, dogs and cats must be placed in structures that are sufficiently heated or cooled, allow for removal of waste, and allow the animals to turn about freely, easily stand, sit, or lie in a comfortable, normal position. Other standards exist for primates, rabbits, guinea pigs, etc.

**The Act Covers:**

1. **Laboratories and Laboratory Animals**
   - All research facilities using regulated live animals for research, testing, or teaching must register as “research facilities.” If a facility is part of a larger institution, the larger organization must acquire the registration in its name.
   - An organization must be registered if it uses live animals in any of the following: college instruction; safety testing; pregnancy testing; allergy testing; animal propagation studies, such as wildlife ecology; behavioral studies; and other types of testing.
   - Government laboratories are not required to be registered or inspected, although they must abide by the law.
   - Facilities that are regulated include state-owned facilities, private and local facilities, drug firms, diagnostic laboratories, and marine mammal facilities.
   - Laboratory animals protected by the Act now include: dogs, cats, guinea pigs, hamsters, rabbits, and other warm-blooded animals as determined by the secretary.
   (Rats, mice, and birds are not included at the discretion of the secretary and yet make up a large portion of the animals in laboratories).
   - Regulations to implement the Act set minimum standards for housing, feeding, watering, sanitation, ventilation, etc. The regulations give specific cage sizes based on an animal’s size. (None of this applies during an actual experiment.)
   - Only dogs are required to be given exercise. (Although the regulations are not out yet.)
   - The psychological well-being of primates must be considered. (Regulations are not out yet.)
   - During the actual experiments, painkillers are to be administered when pain will be inflicted on an animal, unless the painkiller would have a negative impact on the experiment.
   - Each research facility is to have an animal-care committee made up of at least three members to review activities. One member shall represent the public by reflecting the community’s concern for the general care and welfare of laboratory animals.

2. **Dealers**
   - Dealers, including “bunchers,” are people who buy and/or sell warm-blooded animals. They must be licensed or registered by the USDA.
   - The cost of such a license depends on the dollar volume of business.
   - Dealers include: laboratory animal dealers, pet wholesalers, pet-store breeders, laboratory animal breeders, auction operators, exotic-animal wholesalers, and wild-animal dealers.
   - Pet stores that do not sell wild or exotic animals are exempt from the federal act.

3. **Exhibitors**
   - An exhibitor is someone who has animals on display to the public or conducts performances involving animals. (Examples include zoos, circuses, wrestling shows, traveling road shows, marine-mammal shows.)
   - Most exhibitors must be licensed. However, exhibits that are noncommercial—such as a municipal deer park—may be registered and pay no fee to the USDA.
   - All exhibitors must comply with the standards of the Act and its regulations pertaining to animal care.
   - Private collectors are exempt from the Act. Also exempt are domestic farm-animal exhibits, pet shows, and rodeos (which are also exempt from the Horse Protection Act).

4. **Auctions**
   - An auction is an event where dogs and cats are sold to the highest bidder. The operator must be licensed.
Auction operators must comply with the humane standards of the Act and its regulations.

5. Transportation
- Anyone involved in any way in the transportation of regulated animals must be licensed as a dealer or registered as a carrier or an intermediate handler.
- "Carriers" include airlines, railroads, motor carriers, shipping lines, and others. All facilities are covered, including terminals and freight storage areas.
- Carriers are responsible for compliance with the law and its regulations. For example, an animal must be properly crated (housed or caged) whether the shipper or receiver is a private pet owner or a business.
- "Intermediate handlers" are usually boarding kennels or freight handlers who ship or receive regulated animals.
- Transporters who ship nonregulated animals (such as birds, fish, reptiles, and livestock) are exempt.
- Transporters must also meet all humane standards.

6. Animal Fighting
- Animal-fighting ventures, such as staged dogfights and bear or raccoon baiting, are prohibited by the Act if state lines are crossed.
- Cockfights are permitted in states that have no state law against them. (Cockfighting is legal in New Mexico, Arizona, Louisiana, and Oklahoma.)
- The USDA may obtain assistance from the FBI and the U.S. Department of the Treasury for enforcement of the Act and has the power to seize the animals involved.

Yearly Report: the Act instructs the secretary of agriculture to report annually on the Act's administration. This report tells how many laboratory inspections were performed and the status of pending regulations, summarizes USDA staff activities, and lists the number of all active licenses and registrants by state. Also included are the number of animals used in experiments, the number that received pain-relieving drugs, and the number that did experience pain.

Enforcement: the secretary of agriculture shall make investigations or inspections as are deemed necessary by him or her to determine whether any violations of the Act occur. The law states that each research facility shall be inspected at least once each year. A license may be suspended, temporarily revoked, or permanently revoked. If the USDA prosecutes a violator through the courts and wins a conviction, he or she may face a fine and/or a prison sentence.

State and Local Laws: the law clearly states that the secretary of agriculture should cooperate with state and local officials in carrying out the Act and any state, local, or municipal legislation on the same subject. In other words, state and local laws can be enacted on animal-welfare issues and cover the same areas as does the Act.

Not Covered by the Act: The Animal Welfare Act does not cover how an individual treats his or her pet(s). There is no protection for dogs staked in yards year after year or for other cruel treatment. The Act does not address livestock, rodeos, horse racing, animal shelters, or how individual wild animals are treated.

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TELEPHONE NUMBERS

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<tr>
<th>HSUS Regional Office</th>
<th>USDA Public Information—Washington, D.C.</th>
<th>State/Local USDA/APHIS Office</th>
<th>Local Animal-Control Department</th>
<th>Other Numbers</th>
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THE HUMANE SOCIETY NEWS • WINTER 1989
protection to all species of warm-blooded animals in research. Exhibition animals and animals sold as pets on the wholesale level were also included. Thus, carnivals, circuses, zoos, and puppy mills came under the provisions of a federal law. When you see a traveling animal exhibit along the road or at a mall, it is undoubtedly covered by the Act and must be in compliance with its provisions.

Six years later, animal fighting and transportation of animals were the main issues facing Congress. Efforts were made to include retail pet stores in the Act as well at that time, but they were defeated by opposing interests.

The House of Representatives initially banned the interstate movement or promotion of dogs and gamecocks for fighting purposes. Unfortunately, the Senate caved in to pressure from cockfighters and banned interstate shipments only in those states where cockfighting was already illegal by state law. The law does make it a federal crime to sponsor, participate in, transport animals across state lines for the purpose of, or use the mails to promote, fights between dogs or other mammals. Violation of the fighting provisions carries a punishment of a fine up to $5,000 and one year in prison.

The law now gave the secretary of agriculture, who was supposed to consult with the secretary of transportation, the authority to regulate airlines, railroads, and other forms of transportation and handlers, such as express companies and terminal facilities, that were hired to handle and ship live animals. The secretary was directed to set rules and regulations for containers, feed, water, rest, ventilation, temperature, and other factors affecting animals that were being shipped commercially. The secretary was also given authority to designate minimum ages at which young animals could be shipped.

The law remained unchanged until nine years later, when, in 1985, additional stipulations addressed laboratory animal treatment, a result of more revelations of abuses behind the laboratory door. Every federally funded research facility now had to have a functioning animal-care committee whose membership included a veterinarian and an outside member who would represent humane concerns. The director of the National Institutes of Health (NIH) had to establish guidelines for the proper care and treatment of laboratory animals, including the use of painkillers and tranquilizers, pre- and postsurgical veterinary care, the exercising of dogs, and standards for the psychological well-being of primates. Laboratory-animals personnel had to have training in the humane care and use of animals.

President Reagan twice vetoed this legislation, charging that Congress was overstepping its bounds by trying what amounted to "micromanagement" of NIH, but it finally became law. Thanks to such supporters as Pennsylvania Representative Doug Walgren, Kansas Senator Robert Dole, and California Representative George Brown, these improvements were made part of the Animal Welfare Act.

Unfortunately, enactment of this law, or almost any state or federal law, is just a part of the effort to protect animals by statute. Regulations must be adopted that are well-written and comprehensive, a commitment must exist in the administrative agency to enforce the law, and adequate funding of the law must be found.

For example, a law tells the secretary of agriculture that he should establish cage size for animals. The regulations actually set the formula for deciding cage size. The USDA must decide that it will actually go to registered or licensed facilities and inspect cage sizes for compliance, and it must have received adequate funding from Congress to send an inspector and undertake the involved, and time-consuming, procedure to press for conviction should a violation be found.

The HSUS worked hard for enactment of the original Act and for all the amendments to the law since its beginning in 1966. We are still not satisfied and will continue to fight for stronger laws, improved regulations, stricter enforcement, and additional funding in future Congresses.

Ann Church is the state legislative coordinator for The HSUS.

FOR MORE INFORMATION

To get copies of the law and the current regulations, request one of each from your senators or congressional representative. Write him or her: The Honorable U.S. Capitol, Washington, DC 20510.

The USDA can supply you with a copy of its annual report to Congress regarding its enforcement efforts. The report lists how many animals are used in research, how many experience pain and in which states this occurs, and gives information on USDA enforcement efforts.

Other publications available from the USDA include five directories: Registered Research Facilities, Registered Carriers and Intermediate Handlers, Licensed Dealers, Licensed Exhibitors, and Registered Exhibitors. In each booklet, the name, address, city, state, and zip code of the licensee or registrant are given by state, along with their registration or license number.

USDA's address is: USDA-APHIS, 14th St. & Independence Ave., SW, Washington, DC 20250.

Information on transporting animals by air can be obtained by contacting the Air Transport Association of America, 1709 New York Ave., NW, Washington, DC 20006-5206.