

# The Animal Welfare Act and you

by Margaret Morrison

Morrison is HSUS Animal Welfare Act Coordinator.

The federal Animal Welfare Act has the potential to be an effective tool for every humane society and animal shelter investigating certain cruelty cases.

Through the Act, the U.S. Department of Agriculture regulates animal dealers, research laboratories, zoos, circuses, and other forms of animal enterprises such as pet stores that sell wild animals, and common carriers.

The Act does not affect such groups as hobby breeders, retail pet stores that do not sell wild animals or dealers selling only to individuals and not to research laboratories or on the wholesale level.

The USDA's Animal and Plant Health Inspection Service through its regional offices, enforces regulations for the humane care, handling, treatment and transportation of animals. The Department can order facilities into compliance, and in extreme cases, levy fines, suspend or revoke licenses. The Animal Welfare Act can be used to supplement but not to replace cruelty prosecutions. In some instances where criminal prosecution has not been successful, action through the Act may stop the cruelty.

All too often, however, violators of the Act are simply warned. Animal Welfare Act cases can drag on for several years and the cruelty continues unabated. This commonly occurs when a cease and desist order or a 21-day license suspension is not sufficient incentive for the violator to comply fully with the Act.

Dr. Dale Schwindaman, head of the Animal Care Staff which administers the Act, says USDA finds it useful to work with local societies and law enforcement agencies which investigate cruelty cases.

A word of caution...in the past, USDA inspectors have been derelict in their duty to enforce the Act, and have filed misleading reports ignoring violations. Last year, The HSUS lost a cruelty case in which we considered the evidence very strong. The judge cited the fact that USDA had approved the facility.

We hope similar situations won't continue to occur and have been monitoring USDA's enforcement of the Act. APHIS officials have been conducting training programs to school their employees in the specifics of the Act and the proper way to conduct investigations.

You can help the USDA by informing them of violations. Animal Welfare Act enforcement is over-burdened and under-staffed. The funding provided by Congress is inadequate to assure that USDA can do an effective job.

Currently, USDA can inspect a facility on the average of twice per year - six times should be the minimum. Therefore, USDA relies on reports of abuses and will schedule special inspections to investigate specific complaints. Dr. Schwindaman has said that he places great value on the reports of those professionally involved with animals.

In what is termed a "new approach," APHIS has assigned several employees to work only on the Act. Previously, all APHIS regional employees had been assigned to work on all

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APHIS activities, and the Act is only about 5% of APHIS total responsibility (it is mainly concerned with livestock, and most APHIS employees have greater expertise in livestock husbandry).

This "new approach" was to include the hiring of 200-300 part-time employees to make inspections. APHIS officials had hoped to draw these from the ranks of those with "dog and cat" experience, such as humane society workers. Unfortunately, because of political pressure to balance the federal budget by 1980 and reduce the total number of federal employees, this plan could only be implemented by reducing APHIS staffing in another area. USDA officials say they cannot reduce their other efforts, so the hiring plan has been postponed, at least temporarily.

Copies of the Animal Welfare Act and its regulations are available by writing the Animal Care Staff, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782. Ask for the names of the USDA officials who investigate complaints in your area. You will find it helpful to establish a working relationship with them.

The HSUS monitors enforcement of the Animal Welfare Act, and would like to hear from you about your dealings with the USDA.

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THE FOLLOWING ARE COVERED BY THE ANIMAL WELFARE ACT:

- dogs, cats, guinea pigs, rabbits, most wild warm-blooded species.
- animal dealers, brokers, breeders selling wholesale via pet stores; pet stores that sell wild animals; zoological parks; circuses; research laboratories; animal acts (such as animals used for TV and movies); animal auctions that sell dogs or cats; common carriers (airlines, railways, trucking companies).

Federal government establishments are required to conform to the Act standards, but are not subject to inspections.

THE FOLLOWING ARE NOT COVERED BY THE ANIMAL WELFARE ACT:

- cold-blooded animals (fish and reptiles), marine mammals, rats, mice, birds, horses and ponies, domestic farm animals.
  - auctions that do not sell dogs or cats; boarding kennels; pounds and shelters; direct sales breeders; retail pet stores that do not sell wild animals; game and hunting preserves. ■
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## Chamber outlawed

**H**igh-altitude decompression for the destruction of surplus dogs and cats has been outlawed in the state of California. Alternate methods of euthanasia must go into effect January 1, 1979.

The HSUS advocates sodium pentobarbital injection as the most humane euthanasia method; the pamphlets "Legal Steps for the Procurement of Sodium Pentobarbital for Euthanasia of Cats and Dogs" and "How to Administer Sodium Pentobarbital for Euthanasia of Cats and Dogs" are available from The HSUS, 2100 L St., NW, Washington, DC 20037. ■