

Questions from *A Discussion with USDA Animal Care*

Please see below for a list of questions from the July 15th webinar with USDA Animal Care leadership, with timestamps noting when each question was addressed. Use the links below to jump to view questions in:

- [Chronological Order](#)
- [By Topic](#)
 - o [AWA Licensing Requirements](#)
 - o [Bird Regulations](#)
 - o [Contingency Planning Rule](#)
 - o [COVID-19](#)

This document also includes written answers to additional attendee questions that were not addressed during the live webinar; [click here to jump to those responses](#).

Chronological Order:

Question	Answered by	Timestamp
What criteria will be looked at for avian issues? How will this be determined? What will inspections look like? How will USDA handle volume (could be looking at as many as 40,000 additional facilities)? What types of facilities will be included? Will regulations mirror those for warm-blooded animals? Will there be an advance notice of proposed rulemaking?	Dr. Sifford	0:06:17
If the stay is lifted on the contingency plan rule will there be room to ask for clarification on language? Will USDA be re-thinking what the rule will look like? Will contingency plans still reside within the institution as opposed to being sent to USDA (FOIA concerns)	Dr. Carter Corker	0:08:29
How is the Animal Care office coping with the current COVID situation (inspections, investigations.)? How do you envision the Animal Care office adapting to a post-COVID world? Has Animal Care considered the possibility of disposition of animals from facilities that are forced to closed due to COVID?	Dr. Gibbens	0:09:30

There are a series questions arising from the recent AWA licensing final rule: 1) Will Animal Care be preparing any guides or FAQs to assist licensees? 2) What was the motivation for the licensing changes in the final rule? 3) Do routine unannounced inspections satisfy the licensing inspection requirement IF an already licensed entity has been inspected (successfully) within the period (4 months?) between license application and previous license expiration date?	Dr. Chester	0:11:06
How do we handle temporary holding of species/specimens for another institution due to natural or man-made disaster? 7) Please provide some examples when a new license would be required within an existing and valid 3 years licensure period	Dr. Gibbens	0:13:23
Will there be a formal application that needs to be filled out for these inspections ahead of time or is it the standard form?	Dr. Chester	0:14:44
What is the expected lead time from when bird regulations are released and when standards are expected to be implemented/inspected? 2. Are there any new requirements for animal care based on current knowledge of COVID transmission?	Dr. Sifford	0:15:27
Are there any new requirements for animal care based on current knowledge of COVID transmission?	Dr. Sifford	0:17:04
Question about needing a new license if your numbers change by 50, what if your facility has a livestock component?	Dr. Gibbens	0:17:56
When does the new rules take effect?	Dr. Chester	0:18:19
Any information on virtual inspections (if that is still an option)	Dr. Ryhner	0:18:57
An in-depth look at bird facility inspections (if that is still a possibility). How would that look like in relation to USFWS permits/standards?	Dr. Sifford	0:19:49
Could USDA User accounts be used to pay more fees?	Dr. Sifford	0:21:27
Could we get a USDA Tech Note for any new changes that impact Exhibitors?	Dr. Sifford	0:21:57
With the new license renewal/application process, how will existing variances be handled? <i>Related to COVID variances; perimeter fences</i>	Dr. Keller	0:23:27
How are any new insights into epidemic/pandemic responses being integrated into new/repared facilities requirements?	Dr. Carter-Corker	0:23:56
Does the USDA address hybrid wolf/dog in these new changes?	Dr. Rhyner	0:24:50
For upcoming site visits, is there an option to schedule these in advance due to covid risk, closures and minimal staff schedules?	Dr. Rhyner	0:25:30

I need a new USDA license since we are moving into keeping mammals and not just reptiles and invertebrates. I will be looking for info on how to go about getting the licensing in the current covid conditions.	Mr. Dutton	0:26:20
For inspections, will all inspectors be in compliance w/ local COVID-19 mandates & willing to comply w/facility requirements?	Dr. Rhyner	0:27:28
Under our State permit in Florida, FWC would this permit exclude the facilities from a USDA inspection?	Dr. Rhyner	0:28:01
Regarding Avian inspections will this include retail, breeding facilities or both?	Dr. Sifford	0:28:36
Are there future plans to include reptiles within inspections as well?	Dr. Rhyner	0:29:52
Going forward, how will reporting of SARS -CoV-2 in zoo animals be handled?	Dr. Gibbens	0:30:11
How is USDA handling organizations that may be failing as COVID continues? What outreach is occurring to avoid possible issues with animals being let loose, starving etc.? Is there a response plan for how this would be handled?	Dr. Gibbens	0:30:58
Further details about bird licensing requirements.	Dr. Sifford	0:32:30
Providing oversight on birds has been talked about for decades. When do you see this being implemented?	Dr. Sifford	0:33:15
Interested to hear about plans for bird collections at Zoos and Conservation organizations.	Dr. Sifford	0:33:50
How will teachable moments, citations on inspection reports, and pending enforcement proceedings be considered when existing licensee apply for a new 3 year license under the new regulations?	Dr. Gibbens	0:34:39
When will the first licensees be subjected to the new regulations? Will the USDA publicly announce a concrete timeline for this?	Dr. Gibbens	0:35:51
When will bird regulation listening sessions occur? What will the listening session format be? What information will USDA be seeking input on? How will USDA identify facilities engaging in regulated activities with birds that will need to be licensed?	Dr. Sifford	0:38:06
Will there be a new commenting period opened (to reflect the significant passage of time since the last one) if the stay is lifted on the contingency planning rule?	Dr. Carter Corker	0:40:04
What type of facilities are planned for inspection? Breeding facilities for birds? Facilities for bird rescues/sanctuaries?	Dr. Gibbens	0:40:47
what is the status of the rule allowing/not allowing importation of ruminants from Canada?	Dr. Sifford	0:44:06
Bird facility inspections, will that involve all bird rehabilitation and rescue facilities? (Currently under permit to state and FWS permits.)	Dr. Gibbens	0:45:20

Please specify the difference between USFW birds & Non USFW birds example Eurasian eagle owl &/or Amazon parrot	Dr. Goldentyer	0:46:39
Apology, but I am unfamiliar with the details of the Contingency Plan concept nor the Licensing Final Rule. Where is the best source of information for me to become familiar with these subjects?	Dr. Goldentyer	0:48:06
Will we be inspecting these 3-year license holder annually?	Dr. Goldentyer	0:51:26
The new regulation seems to imply that exhibitors will be required to consider not only animals held on-site, but those owned and held at other facilities. Please provide clarification as to how facilities are to interpret this language.	Dr. Gibbens	0:52:22
What's the timeline for receiving the new packet/blue book?	Dr. Carter Corker	0:53:53
When do you expect to have the new Blue Book ready for distribution?	Dr. Carter Corker	0:53:53
What are the standards for animals on virtual programming vs animals leaving facility? I have a license to program off site i.e. schools, with the virus what can I do w/ animals on site that are not on my permit	Dr. Gibbens	0:55:54
Why won't research facilities going to have to pay a fee? This burden is being put on exhibitors.	Dr. Goldentyer	0:58:04
With the three-year license, will random inspections still take place or will they only take place every three years at renewal? Take place annually*	Dr. Goldentyer	0:59:27
Will the new limits on numbers of animals, authorized in increments of 50, be applied across established groups of animals (ex. 50 nonhuman primates, 100 mega-herbivores) or are the limits applied to the species within each of these groups.	Dr. Chester & Dr. Theodorsan	1:00:53
is it fair to say that AZA accredited institutions already likely meet the contingency rule requirements	Dr. Goldentyer	1:03:04
Please provide a written response to the clarification for how animal ownership will factor into the licensing application process.	Dr. Goldentyer	1:03:55
Under the new licensing regulations, if an exhibitor is currently subject to a pending administrative enforcement action will an exhibitor still be able to obtain a new 3-year license while that enforcement action is pending.	Dr. Goldentyer	1:04:15
If you add a new species then do you need to get a new license?	Dr. Theodorson & Dr. Chester	1:04:50
Will all exhibitors have to pay a \$120 fee? What about the small exhibitor that only pays \$40 as opposed to a facility that pays \$235?	Dr. Goldentyer	1:07:56
What happens if, over the course of the three-year cycle, you bump into say the 50-100 category but then later in the year drop back down under that number? Would we have to adjust every time a change in category occurs?	Dr. Goldentyer	1:09:30

Sorry but please clarify the difference between non USFW birds vs USFW birds.	Dr. Goldentyer	1:10:40
What birds will be covered under USDA inspection	Dr. Goldentyer	1:10:40

By Topic:

Changes to AWA Licensing Requirements

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Contingency Planning Rule

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Additional Questions:

The following questions were not addressed during the live webinar, but USDA Animal Care provided the written responses shown below to be shared with attendees.

- **If you add a new species under the new rule will it be up to the inspector to make the final decision if you can house it or not, and if its up to the inspector will they have uniformed guidelines to follow so that its not different with every inspector. Thanks**

There are 6 groups of animals that require an authorization on a license:

1. *Group 5 nonhuman primates*
2. *Group 6 nonhuman primates*
3. *Wild/exotic felids*
4. *Wild/exotic canids*

5. Bears

6. Megaherbivores

No other animals require an authorization. If you add an animal from one of the groups above that is not authorized on your license, you will need to acquire a new license. We are still finalizing the details on that process. If you add any other animal (not in one of the 6 groups), you don't need to do anything unless the addition takes your inventory over the increment of 50 that is authorized on your license. Once we have finalized the process to add a group authorization, we will publicize it, and make sure everyone has access to and understands the process.

- **Sorry, back to the 50: If you are a small institution, that only has 48, but might have animals that breed at some point, can we say "count us as 53..."**

Yes, offspring at your facility count as part of your total inventory. One suggestion is to get authorized for the number of animals that includes potential increases in your animal inventory that may take place in the upcoming 3 years. That will allow for births and other acquisitions without needing to acquire a new license.

- **Any changes for multiple facilities under one license?**

For multiple locations under one license, the authorization(s) for certain animals, and the authorization for increments of 50 animals, would need to include and account for the animals at all locations.

- **With the numbers of animals trigger, would you suggest we reach out to our inspector when planning for new species that might trigger the need for a new license?**

We are still finalizing the details on that process. Once we have finalized the process to increase the number of animals authorized on a license, we will publicize it, and make sure everyone has access to and understands the process.

- **I was a bit unclear on Elisabeth's answer for the following: Will the new limits on numbers of animals, authorized in increments of 50, be applied across established groups of animals (ex. 50 nonhuman primates, 100 mega-herbivores) or are the limits applied to the species within each of these groups.**

The increment of 50 that is authorized for each license is based on the total inventory of all covered animals at the facility. It is not related to the groups of animals (see below) that require an authorization. So a license will include 2 separate authorizations:

1. *Authorization(s) for exhibiting any animals in the following 6 groups*
 - *Group 5 nonhuman primates*

- *Group 6 nonhuman primates*
- *Wild/exotic felids*
- *Wild/exotic canids*
- *Bears*
- *Megaherbivores*

2. *Authorization for a maximum number of animals, in increments of 50. Again, this is based on all covered animals at the facility.*

- **How are organizations that provide animals for use for film and TV work licensed? Are they considered "exhibitors" and therefore must be licensed as such. What about rescues? How are they licensed if at all? Does USDA consider them "shelters?"**

Whether or not animals used in film/TV work are regulated depends on the several factors including but not limited to the species of animal(s) involved, the number of animals used, the activity the animal(s) does for the film/tv, compensation, etc. Your individual circumstance should be discussed with your inspector, SACS, or our office in Ft. Collins. With regard to "rescues," whether or not a license is required is determined by the business practice. If all sales are made to a new pet owner and are face-to-face, a license is not required. If some sales are not made face-to-face, or are made to pet stores or distributors, then a license would be required. Government owned or operated shelters are not regulated under the Animal Welfare Act.

- **The rule of 50 continues to be confusing, and a more comprehensive explanation is required.**

Details about this process will be forthcoming before November 9.

- **Historically, our numbers were based on peak holding. At the 1 hour, 10 minute, and 4 second mark, they say "think hard about what our total number will be.." Does this mean that the numbers are now based on projected peaks and not historical?**

The number of animals authorized on 3-year licenses (in 50 animal increments) is based on a facility's total animal inventory, including offspring. When applying for a 3-year license, we recommend that you get authorized for a number of animals that includes your current inventory plus potential increases that may take place in the upcoming 3 years. That will allow for births and other acquisitions without needing to acquire a new license.