

This presentation will discuss the process involved with becoming a USDA licensed dealer.

S Introduction

i Licensing takes time and preparation

• Plan ahead: Process can take several months

• Can't legally sell dogs or puppies without USDA license

The process of becoming a USDA Licensed facility requires time and preparation. The process can take several months, depending on a variety of factors, including facility preparation, completion of paperwork and demonstration of compliance with AWA regulations.

Remember: A facility is not legally able to sell puppies or dogs until it has received a federal license. It is the prospective licensee's responsibility to plan ahead to ensure that the license will be in place when the facility wants to begin selling animals. When making a business plan, be sure to factor in the amount of time it will take to obtain a license.

S Learning Objectives 1 1. License Application Process i 2. Time limits for prelicense inspections d 3. Prelicense inspection process and licensing requirements e 4. Applicant's responsibilities during inspection 5. Prelicense inspection results 3 6. When sales are permitted 7. Reasons an application could be denied By the end of this presentation, you should be able to:

- 1. Describe the license application process.
- 2. Explain the time limits that apply to the completion of prelicense inspections.
- 3. Describe the prelicense inspection process and the requirements for obtaining a license.
- 4. Describe an applicant's responsibilities during a prelicensing inspection.
- 5. Explain how applicants receive prelicense inspection results.
- 6. Describe when a successful applicant may begin selling animals.
- 7.Briefly list reasons a license application could be denied.





The first step is to request licensing materials. Contact the Animal Care Regional Office for your state to receive a prelicense information packet. The packet will provide information about the licensing process, required documents and fees. Carefully review the information in the packet so you understand the requirements. If you have questions, contact the Regional Office.

To assure you have adequate time to prepare for the prelicense inspection, you may wish to evaluate your facility for compliance with AWA standards and work on correcting any potentially noncompliant items before submitting the license application.

Map: USDA APHIS

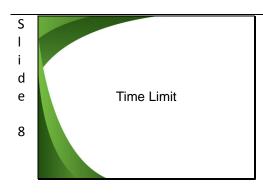




The Inspector assigned to your application will review your application and contact you within 10 days of receiving the application from the Regional Office to schedule the prelicense inspection. Feel free to contact the Inspector if you have any questions.

NOTE: Pre-license inspections are the only inspections that are scheduled with the Inspector. Once you are licensed, all other inspections will be unannounced.

Prepare your facilities and records in accordance with the Animal Welfare Act to ensure that you will pass the initial inspection.



The section discusses the time limits that apply to the application process.



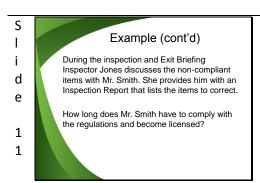
The Animal Welfare Act Regulations provide that you may have three inspections within a period of 90 days from the date of the initial inspection to demonstrate compliance with the Regulations. Once an Inspector visits your facility for the initial prelicense inspection, you have 90 days from the date of the Inspector's first visit or three inspections -whichever comes first, to demonstrate compliance with the regulations.

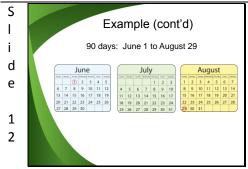
Example

i Joe Smith applied for a Class A license for his dog kennel. He and Inspector Mary Jones have scheduled an inspection for June 1.

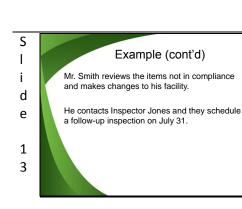
During the inspection Inspector Jones finds a few items not in compliance with the Animal Welfare Regulations, which she documents on an Inspection Report.

We're going to use an example to help explain the time limit rule.





Mr. Smith has until August 29 (90 days from June 1) to correct the noncompliant items and have the facility re-inspected. He may contact Inspector Jones at any time during that period to schedule a follow-up inspection. The inspection must be completed no later than August 29.



Mr. Smith reviews the items not in compliance and makes changes to his facility. He contacts Inspector Jones and they schedule a follow-up inspection on July 31.

A reminder about scheduling: Inspectors have facility inspections scheduled throughout their territory and may be unavailable certain dates. Contact the Inspector well in advance of the date you would like to be inspected in order to facilitate scheduling.

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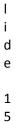
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# Re-inspection

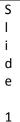
On July 31, Inspector Jones finds that Mr. Smith has satisfactorily addressed all the items of noncompliance except one. She discusses the item with Mr. Smith and provides him with an Inspection Report.

Next we will discuss three possible outcomes to this scenario



### Outcome 1

Mr. Smith reviews the inspection report and makes the required changes. He contacts Inspector Jones and schedules a third inspection for August 20.



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### Outcome 1 (cont'd)

On August 20, Inspector Jones inspects the facility and finds it in compliance with the AWA and approves the license application.

Mr. Smith receives his license in the mail about two weeks later. Once he receives the paper license certificate he may begin selling puppies.



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Outcome 3 (cont'd)

i Inspector Jones informs Mr. Smith that his application is denied because more than 90 days have passed since the first inspection:

– June 1 to Sept 2 = 94 days

• Will receive letter from Regional Office.

• May reapply after 6 months.

More than 90 days have elapsed since Inspector Jones' first inspection visit to the facility. The regulations state that the prelicense inspection process must be completed within 90 days of the initial inspection, or three inspections, whichever happens first. The Regional Office will send Mr. Smith an official letter notifying him that the 90 period has expired.

Mr. Smith may apply again for a license, but he must wait 6 months before submitting a new application.



This section will discuss the prelicense inspection process.



Knowing and understanding the regulatory standards and making sure your facility complies with the standards is the best way to prepare for the inspection. During the prelicense inspection the Inspector will inspect the facility to determine whether it meets the requirements of the AWA.

The prelicensing information packet from USDA APHIS Animal Care contains a copy of the Animal Welfare Act regulations, a checklist and other materials describing licensing requirements. The regulations describe the minimum requirements for housing, care and welfare of animals at your facility.

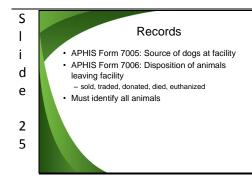


Keeping accurate and up to date records are an important part of compliance. Applicants are expected to present properly completed records for the Inspector's review. The required records include:

**Program of Veterinary Care** –All facilities must have a written plan of veterinary care that has been approved and signed by your Attending Veterinarian. No particular form is required; however, APHIS Form 7002 was designed to include all the regulatory requirements. APHIS Form 7002 or another form may be used as long as all the required information is contained on that form. A copy of APHIS Form 7002 is included in the prelicensing materials packet.

**Health records** – Health records are used to communicate information to all people involved in the animal's care. Every facility is expected to have a system of health records comprehensive enough to demonstrate that the animal is receiving adequate health care. No specific form is required; however, the records must contain enough detail to demonstrate that the animals are receiving appropriate veterinary care.

**Exercise Plan**- A written exercise plan approved by the attending veterinarian is required. No particular form is required.



APHIS Form 7005: Acquisition of Dogs and Cats on Hand – Record information about how all dogs at the facility were acquired. This form is required for all facilities and must be used unless the licensee can show that the form will not work for the operation. The Regional Office must approve the use of a different form or a computerized system of records. Submit requests for approval of different recordkeeping systems to the Regional Office prior to submitting the license application and scheduling the first pre-license inspection in order to allow enough time for evaluation of the request.

**APHIS Form 7006: Disposition of Dogs and Cats on Hand** – Use this form to record information when dogs leave the facility. Reasons could be that the dog is sold, traded, donated, died or euthanized. This form is required for all facilities. Use of a different form or computerized form requires approval from the Regional Office. Follow the procedure listed above for Form 7005 to request approval for use of different forms.

The regulations and these forms require that the dogs be identified with a USDA number, USDA approved tattoo or microchip.



**Identification of animals** – The regulations require animals to be identified by wearing a collar with a tag including their USDA number, a tattoo or a microchip. Animals must be identified. Identification information must be correctly entered on to APHIS Forms 7005 and 7006. Failure to correctly enter identification information is considered an item of noncompliance.

NOTE: The regulations require animals to be identified by wearing a collar with a tag including their USDA number, a tattoo or a microchip. This information must be recorded on Forms 7005 and 7006. Since USDA license numbers will not be issued to an applicant until a license is granted, applicants should identify the animals as fully as possible on the forms. If using collars and tags, the applicant can wait to fill in the tag numbers after issuance of the license number once official tags are purchased.

The forms and additional information on completing the forms is found in the pre-licensing information packet. This will also be discussed in more detail later in another section of this presentation. At this point, are there any questions about completing these documents?



Applicants will also be required to demonstrate compliance with the regulations governing things such as housing, sanitation, proper husbandry and identification of animals. These items are discussed more fully in other sections of this presentation. Ask the Inspector if you have questions related to these topics.

The Inspection

Among other things, the Inspector will:

- Review the application
- Inspect all animals and facilities
- Take photos, videos, and notes of the facility
- Discuss husbandry, veterinary care, exercise plans, and animal identification requirements
- Identify any noncompliant items
- Answer questions

On the day of the prelicense inspection, the Inspector will arrive at the facility at the designated time. The Inspector will identify him/herself and present identification upon request. The Inspector will ask the applicant or a designated representative to show him/her around the facility and provide records for review.

Among other things, the Inspector will:

- •Review and verify the information on the application
- •Inspect the animals and facilities
- •The Inspector may ask to have animals brought out of their enclosure for inspection. The Inspector may conduct a hands-on examination of the animals.
- Take photos or video of the facility
- •Make notes during the inspection. These notes may be about noncomplaint items, further questions or comments about the facility
- •Ask questions about the animals and the facilities
- Discuss general husbandry practices
- •Discuss veterinary care and exercise plans
- •Examine records
- Discuss identification of dogs/cats- requirements
- •Identify and discuss any noncompliant items
- Answer questions

Photo: A. Eaglin: USDA APHIS

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## Applicant Responsibilities

- Applicant or designee available during inspection
  - 18 years old or older
  - Knowledgeable about operation
- Provide access to animals, facility and records
- · Answer questions
- Be courteous

The applicant or a designee must be present during the inspection. If the applicant cannot be present for the inspection, make sure the designee is at least 18 years old, knowledgeable about the operation and can provide the Inspector with access to the facility and records are necessary to complete the inspection.

Be prepared to provide the Inspector access to all areas of the facility where animals are housed and handled, present individual animals to the Inspector, produce the required records, and answer questions related to the animals, the facility and husbandry practices and procedures. Applicants and licensees must provide a table or other facility on the property where the Inspector can review facility records and inspect the animals.

The prelicensing inspection is an excellent time to ask questions about the regulatory requirements, the licensing and inspection processes or anything else associated with being a licensee under the AWA. Inspectors visit lots of different facilities and have information and training and experience in animal welfare and regulatory requirements. You are encouraged to ask questions and learn from the Inspector.

Be courteous to the Inspector. Inspectors are there to assure that the animals are treated within the welfare standards enacted by Congress. Healthy and well-care-for animals are a positive reflection on your business. Animal welfare inspections can help licensees achieve the goal of providing the healthiest animals possible to clients.

It is illegal to interfere with an inspection or threaten, abuse (verbally or physically) or harass Inspectors as they carry out their official duties. 9 CFR 2.4



It is difficult to estimate how long an inspection will take. The length of an inspection depends on the size of the facility, number of animals, type of facility, number of records and a variety of other factors. Be sure to allot adequate time for the inspection.

Being prepared and organized will help the inspection go faster.





Following the completion of the inspection, the Inspector will meet with the applicant or designee to conduct an exit briefing. The Inspector will:

Summarize inspection findings
Discuss any noncompliant items
Answer questions about noncompliant items or other issues

The Inspector will ask you to sign the Inspection Report. Your signature on the report means that you have seen the report and discussed the findings with the Inspector. Signing the report does not mean you agree with or accept the findings in the report.

# Passing the Inspection No noncompliant items Eligible for a license Exit briefing Discuss inspection and enforcement process License fee Obtain additional contact information Public access to inspection reports

If there are no noncompliant items on the inspection, you have passed the prelicense inspection and are eligible for a license. During the exit briefing the Inspector will:

- •Summarize what occurred during the inspection
- Explain APHIS' inspection and enforcement processes
- •Collect the license fee or provide instructions for submitting the proper fee to the Regional office
- •Obtain information about the applicant's schedule and additional contact information: phone numbers and contacts if applicant is not at the facility
- •Explain the availability of public access to inspection reports on-line through Freedom of Information Act



If the Inspector finds noncompliant items during the prelicense inspection, a license will not be issued. The Inspector will:

- •Summarize what occurred during the inspection
- •Discuss in detail the noncompliant items and provide citations to the sections of the regulations setting forth the requirements.
- •Explain the 3 inspection/90 day rule
- $^{ullet}$ Set a date for completion of the application process number of remaining inspections or by a date (90 days from  $1^{st}$  prelicense inspection)
- •Inform the applicant that no regulated activities may be conducted until a license is issued.
- •Provide you with a written report

S **Denial of Application** ١ Initial application may be denied due to: i - Noncompliance with Animal Welfare Act d Interference with inspection - Fail to pay fee e - Incomplete application Had a license revoked or suspended Violation of animal cruelty laws or regulations within 1 year of application 3 Operates in violation of State, federal or local law False or fraudulent statements or false or 5

There are number of reasons an initial license application will be denied, including:

- •fails to demonstrate compliance with the Animal Welfare Act and Regulations within the time allotted. (90 days or 3 inspections).
- •fails to submit a properly completed application
- •fails to acknowledge receipt of the Act and Regulations
- •does not comply with Act or Regulations
- •interferes with inspection or threatens or abuses inspector
- •fails to pay the required fee
- •has had a license revoked or suspended under 2.10
- •has pleaded *nolo contendere* or been found in violation of State, Federal or local laws or regulations related to animal cruelty within 1 year of application
- •would be unfit for licensure in the Administrator's determination,
- •operates in violation, or circumvention or State, federal or local law
- •makes false or fraudulent statements, or provides false or fraudulent records

S Conclusion ı i You should now be able to: 1. Describe how to apply for a license d 2. Describe prelicense inspection process 3. Explain time limits that apply to prelicense e inspections 4. Describe an applicant's responsibilities 5. Explain how inspection results are received Describe when a new licensee may begin to 3 sell animals 6 Explain why an application might be denied

This presentation provided a brief overview of the process involved in becoming a licensed commercial dog breeder under the AWA. You should now be able to:

- 1. Describe the process for applying for a license.
- 2. Describe the prelicense inspection process and the requirements for obtaining a license.
- 3. Explain the time limits that apply to the completion of prelicense inspections.
- 4. Describe your responsibilities as an applicant during a prelicensing inspection.
- 5. Explain how applicants receive the results of their inspections.
- 6. Describe when a successful applicant may begin selling animals.
- 7. Explain why a license application might be denied.



