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USDA Publishes Final Rule on the Definition of Animal

On 4 June, the USDA amended the Animal Welfare Act (AWA) Regulations with a final rule on its definition of animal¹. The Farm Security and Rural Investment Act of 2002 amended the definition of animal to specifically exclude rats of the genus *Rattus* and mice of the genus *Mus* that had been bred for use in research, and all birds—not exclusively those bred for use in research.

The final rule, effective as of 5 June, narrows the scope of the exclusion for birds to only those bred for use in research. In Sec. 1.1 the definition of ‘animal’ is revised as follows:

*“Animal means any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm-blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: birds, rats of the genus *Rattus*, and mice of the genus *Mus* bred for use in research, and horses not used for research purposes, and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.”*

Pursuant to these changes, on 4 June the USDA published an advance notice of proposed rulemaking soliciting comments from the public to aid in the development of regulations and standards for birds not specifically bred for use in research, as well as for the humane handling, care, treatment, and transportation of rats and mice covered by the AWA².

Regulation Updates

AAALAC Restructures Its Executive Office

The Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) is restructuring its Executive Office. Effective summer 2004, AAALAC Senior Director Kathryn A. Bayne, MS, PhD, DVM will relocate to Hawaii to assume the duties of Director of Pacific Rim Activities and Associate Director for Accreditation.

This expansion complements the recent formation of a European Section of the Council on Accreditation and Egil Berge’s ongoing efforts as Assistant Director for European Activities in broadening AAALAC’s services to the international community³.

Senator Akaka Reintroduces the “Pet Safety and Protection Act of 2004”

On 26 April, Senator Daniel Akaka (D-HI) reintroduced the “Pet Safety and Protection Act of 2004,” S 2346 (ref. 4), which is now before the Senate Committee on Agriculture, Nutrition, and Forestry. Contributing to the stricter regulation of Class B animal vendors, S 2346 would:

- Ban research facilities from obtaining dogs or cats from dealers who do not breed and raise the animals themselves;
- Require animal pounds to be registered by the USDA in order to provide animals for research;
- Prohibit private shelters from voluntarily choosing to make animals available for research;
- Permit individuals to donate dogs or cats to research facilities only if they breed and raise, and own them for more than one year; and,
- Assess \$1,000 fines for each violation of the above items.

Bioterrorism Prevention Act Introduced

On 20 May, HR 4454, the “Ecoterrorism Prevention Act of 2004” was introduced by Rep George R. Nethercutt, Jr. (R-WA) and referred to the House Subcommittee on Research. HR 4454 would “amend title 18, United States Code, to protect and promote the public safety and interstate commerce by establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to injure, intimidate, or interfere with plant or animal enterprises, and for other purposes⁵.”

References

1. USDA APHIS. Final rule. Animal welfare; definition of animal. *Federal Register* **69(108)**, 31513–31514 (4 June 2004).
2. USDA APHIS. Advance notice of proposed rulemaking and request for comments. Animal welfare; regulations and standards for birds, rats, and mice. *Federal Register* **69(108)**, 31537–31541 (4 June 2004).
3. AAALAC International. AAALAC International forms European and North American Sections of the Council on Accreditation. (8 March 2004). <http://www.aaalac.org>.
4. S 2346. Pet Safety and Protection Act of 2004. 108th Congress, 2nd Session. (26 April 2004).
5. HR 4454. Ecoterrorism Prevention Act of 2004 (Introduced in House). 108th Congress, 2nd Session. (20 May 2004).