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# EXCELLENCE BEYOND COMPLIANCE

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ENHANCING ANIMAL WELFARE THROUGH THE CONSTRUCTIVE USE OF  
THE ANIMAL WELFARE ACT

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**Revisions & Updates**

**April 12, 2015**



MAURICE BASSETT

## REVISIONS

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### Changes indicated in bolded, italicized text

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*Chapter II, Section 1: Every individual can make a difference*

**Previously read:**

Everyone is a member of the “AWA Compliance Team” and the EXCELLENCE BEYOND COMPLIANCE effort. AWA compliance, animal welfare, and EXCELLENCE BEYOND COMPLIANCE are everyone’s responsibility, every day. Everyone, every day. A lapse in nearly any area or department can potentially impact AWA compliance and animal welfare. Everyone should be aware of this and of the importance of “little things” they can do every day. For example, anyone working at a zoological organization can pick up stray litter or debris which could wind up in an animal enclosure (or notify someone who can). Staff can flag inappropriate guest behavior or alert others as to observations about animals or facilities needing attention. In addition to staff training, providing staff (including volunteers) with laminated checklists or cards to carry can improve both the quality and quantity of observations. Such checklists could indicate the types of appearances, behaviors or conditions warranting a closer look by appropriate staff.

**Now reads:**

Everyone is a member of the “AWA Compliance Team” and the EXCELLENCE BEYOND COMPLIANCE effort. AWA compliance, animal welfare, and EXCELLENCE BEYOND COMPLIANCE are everyone’s responsibility, every day. Everyone, every day. A lapse in nearly any area or department can potentially impact AWA compliance and animal welfare. Everyone should be aware of this and of the importance of “little things” they can do every day. For example, anyone working at a zoological organization can pick up stray litter or debris which could wind up in an animal enclosure (or notify someone who can). Staff can flag inappropriate guest behavior or alert others as to observations about animals or facilities needing attention. In addition to staff training, providing staff (*as well as volunteers*) with laminated checklists or cards to carry can improve both the quality and quantity of observations. Such checklists could indicate the types of appearances, behaviors or conditions warranting a closer look by appropriate staff.

*Chapter III, Section 8: Review of current and ongoing events*

**Previously read:**

The Compliance Officer and Animal Welfare Officer should review and report on any patterns or recommended measures following a review of current and ongoing events within the zoological community. AWA inspections and zoological organizations are impacted by high-profile situations where the regulations may have been at issue. These events should also prompt immediate internal review and re-examination of similar situations.

**Now reads:**

The Compliance Officer and Animal Welfare Officer should review and report on any patterns or recommended measures following a review of current and ongoing events within the zoological community. AWA inspections and zoological organizations are impacted by high-profile situations where the regulations may have been at issue. These events should also prompt immediate internal review and re-examination of similar situations ***within the zoological organization. This may lead to supplemental training and protocol or facilities upgrades.***

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*Chapter III, Section 10: Confirming proper use of forms, policies and protocols*

**Previously read:**

The Compliance Officer and Animal Welfare Officer should periodically have relevant staff assist in confirming review, proper use and implementation of zoological organization forms, policies and protocols. Zoological organizations may be held accountable for following their own written forms, policies and protocols, especially when something has gone wrong. It is therefore important to monitor internal compliance with an organization's own standards. This should be done on an ongoing basis, and at least semi-annually.

**Now reads:**

The Compliance Officer and Animal Welfare Officer should periodically have relevant staff assist in ***confirming proper use*** and implementation of zoological organization forms, policies and protocols. Zoological organizations may be held accountable for following ***(or failing to follow)*** their own written forms, policies and protocols, especially when something has gone wrong. It is therefore important to monitor internal compliance with an organization's own standards. This should be done on an ongoing basis, and at least semi-annually.

*Chapter III, Section 12: Outside expertise and assistance*

**Previously read:**

Even outstanding zoological organizations may lack experience or expertise in some areas or might benefit from fresh perspectives. Seeking counsel from experts or other forms of help, whether from within or outside of the zoological community, could accelerate improvement and resolution of animal welfare matters. An organization need not wait for a crisis, an extensive and hyper-critical media story or a voluminous inspection report before seeking such assistance. Being proactive demonstrates that a zoological organization is so committed to the animals in its care that it willingly seeks outside expertise before external critics or challenges force its hand.

Outside assistance can come from recognized experts, especially specialized behavioral/wildlife researchers, consultants, accrediting or professional associations and similar groups. Information, experience, and expertise acquired from such external sources can also be incorporated into the forms, policies and protocols discussed above, further demonstrating organizational commitment to continuous improvement.

**Now reads:**

Even outstanding zoological organizations may lack experience or expertise in some areas or might benefit from fresh perspectives. Seeking counsel from experts or other forms of help, whether from within or outside of the zoological community, could accelerate improvement and resolution of animal welfare matters. An organization need not wait for a crisis, an extensive and hyper-critical media story or a voluminous inspection report before seeking such assistance. Being proactive demonstrates that a zoological organization is so committed to the animals in its care that it willingly seeks outside expertise before external critics or challenges force its hand.

Outside assistance can come from recognized experts, especially specialized behavioral/wildlife researchers, consultants, *professional peers*, accrediting or professional associations and similar groups. Information, experience, and expertise acquired from such external sources can also be incorporated into the forms, policies and protocols discussed above, further demonstrating organizational commitment to continuous improvement.

*Chapter II, Section 15: Supplemental training for staff directly involved with animal care and welfare*

**Previously read:**

Zoological organization animal welfare, behavioral/ husbandry/training, veterinary, buildings and grounds, maintenance, and other staff, should receive additional training on the AWA and inspections. Zoological organization staff whose work directly impacts animal welfare should receive more in-depth training on the AWA and inspections. This training should relate their daily responsibilities to general and specific regulatory requirements as well as to how performance may be assessed during an inspection. The primary focus should remain on animal welfare, with a secondary emphasis on the regulatory process as a means for validating good work and fostering further ongoing improvement. This training would also help sensitize staff to the measures and records important to note or present during inspections. Internal reviews or rounds may present opportunities to include hands-on components in the training program.

It is also important to include staff training and development in animal behavior. The availability of staff, specialists or consultants knowledgeable about the behaviors of resident species (both housed at zoological organizations and in the wild) can provide valuable perspectives to enhance animal welfare.

**Now reads:**

***Zoological organization animal welfare, behavioral/husbandry/training, veterinary, buildings and grounds, maintenance, and other staff whose work more directly impacts animal welfare should receive additional in-depth training on the AWA and inspections.*** This training should relate their daily responsibilities to general and specific regulatory requirements as well as to how performance may be assessed during an inspection. The primary focus should remain on animal welfare, with a secondary emphasis on the regulatory process as a means for validating good work and fostering further ongoing improvement. This training would also help sensitize staff to the measures and records important to note or present during inspections. Internal reviews or rounds may present opportunities to include hands-on components in the training program.

It is also important to include staff training and development in animal behavior. The availability of staff, specialists or consultants knowledgeable about the behaviors of resident species (both housed at zoological organizations and in the wild) can provide valuable perspectives to enhance animal welfare.

## UPDATES to FOOTNOTES & LINKS

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Changes indicated in bolded, italicized text

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### Footnotes

<sup>8</sup> For the hard copy form, see the USDA, APHIS, Animal Care, *Animal Welfare Inspection Guide* (2013) (hereinafter “*Animal Welfare Inspection Guide*”), p A-43, available at:

[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf).

For the online form, see

USDA, APHIS, *Animal Care Animal Welfare Complaint*, available at:

<http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/complaint-form>.

<sup>10</sup> Terry L. Maple & Bonnie M. Perdue, *Zoo Animal Welfare* (Heidelberg: Springer, 2013). Maple and Perdue provide an indispensable resource for zoological organizations committed to enhancing animal welfare. The book contains a comprehensive review of animal welfare and the associated scientific literature, as well as relevant considerations and factors contributing to animal welfare; e.g., welfare metrics, psychology, environmental enrichment, behavior and design. For additional resources, see also Center for Zoo Animal Welfare, available at: <http://czaw.org/> and Chicago Zoological Society, *Centers of Excellence*, Center for Animal Welfare, available at: <https://www.czs.org/czs/csaw>

<sup>12</sup> For more information on IACUCs see 9 C.F.R. § 2.31 and *Animal Welfare Inspection Guide* at 7-1 to 7-60.

<sup>22</sup> See Center for Animal Welfare, available at:

[http://www.aphis.usda.gov/wps/portal/?uril=wcm%3apath%3a%2Faphis\\_content\\_library%2Fsa\\_our\\_focus%2Fsa\\_animal\\_welfare%2Fsa\\_caw%2Fct\\_caw\\_program\\_info](http://www.aphis.usda.gov/wps/portal/?uril=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_animal_welfare%2Fsa_caw%2Fct_caw_program_info)

<sup>25</sup> *Animal Care Policy Manual (March 7, 2014)*. Note: The link for this version is currently unavailable. Please see the APHIS Stakeholder Registry notice updating Policy 3, available at: <http://content.govdelivery.com/accounts/USDAAPHIS/bulletins/aafd1c>. The original *Animal Care Resource Guide Policies (March 25, 2011)* is available at: [http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Policy%20Manual.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Policy%20Manual.pdf)

<sup>26</sup> See Publications, **Forms and Guidance Documents**, available at:  
[http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa\\_publications/ct\\_publications\\_and\\_guidance\\_documents!/ut/p/a0/04\\_Sj9CPykssy0xPLMnMz0vMAfGjzOK9\\_D2MDJ0MjDzd3V2dDDz93HwCzL29jAyCzfQLsh0VAbJgLA!/  
/](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa_publications/ct_publications_and_guidance_documents!/ut/p/a0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOK9_D2MDJ0MjDzd3V2dDDz93HwCzL29jAyCzfQLsh0VAbJgLA!/)

<sup>27</sup> See Center for Animal Welfare / Meet the Center, available at:  
[http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa\\_caw/ct\\_caw\\_meet\\_the\\_center/](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa_caw/ct_caw_meet_the_center/)

<sup>36</sup> See 1) *Appendix C: Inspection Report Appeals: Animal Welfare Inspection Guide*, General Inspection Procedures, Completing the Inspection Report, Inspection Appeals Process, available at:  
[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf), (3-27 to 3-29 at 61 – 63), and 2) APHIS, Animal Care, Factsheet, Appeals Process (July 2014), available at:  
[http://www.aphis.usda.gov/publications/animal\\_welfare/2014/appeals\\_process.pdf](http://www.aphis.usda.gov/publications/animal_welfare/2014/appeals_process.pdf)

<sup>43</sup> See note 7, *Appendix F*: including, 1) IES Frequently Asked Questions, available at:  
[http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/business-services?uril=wcm%3Apath%3A/aphis\\_content\\_library/sa\\_our\\_focus/sa\\_business\\_services/sa\\_investigative\\_enforcement/ct\\_ies\\_faq](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/business-services?uril=wcm%3Apath%3A/aphis_content_library/sa_our_focus/sa_business_services/sa_investigative_enforcement/ct_ies_faq)  
2) Open Letter to Stakeholders on Investigation and Enforcement Process Streamlining (January 2012), available at:  
[http://www.aphis.usda.gov/ies/pdf/ies\\_stakeholders\\_letter.pdf](http://www.aphis.usda.gov/ies/pdf/ies_stakeholders_letter.pdf) and 3) APHIS, Investigative and Enforcement Services, Factsheet, *Questions and Answers: APHIS Enforcement Process Streamlining* (January 2012), available at:  
[http://www.aphis.usda.gov/publications/aphis\\_general/2012/IES\\_process.pdf](http://www.aphis.usda.gov/publications/aphis_general/2012/IES_process.pdf)

<sup>45</sup> See 1) AWA Enforcement Home Page (defining and providing links for types of enforcement actions), available at:  
[http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa\\_ac\\_enforcement\\_actions/sa\\_ac\\_enforcement\\_actions\\_awa!/ut/p/a0/04\\_Sj9CPykssy0xPLMnMz0vMAfGjzOK9\\_D2MDJ0MjDzd3V2dDDz93HwCzL29jAyCzfQLsh0VAbJgLA!/  
A!/  
/](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare/sa_ac_enforcement_actions/sa_ac_enforcement_actions_awa!/ut/p/a0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOK9_D2MDJ0MjDzd3V2dDDz93HwCzL29jAyCzfQLsh0VAbJgLA!/)  
and 2) Investigative and Enforcement Services (IES) Home Page (detailing “Investigative Process” and “Enforcement Process” and providing additional information), available at:  
<http://www.aphis.usda.gov/wps/portal/aphis/resources/enforcement-actions>

<sup>48</sup> See 9 C.F.R. § 2.33 (research facilities) and § 2.40 (exhibitors like zoological organizations). See also *Animal Welfare Inspection Guide* at 6-1 to 6-14 (noting items requiring veterinary consultation as well as those requiring veterinary approval). When the attending veterinarian is part-time or a consultant, a formal written program of veterinary care is required.

<sup>49</sup> See 9 C.F.R. § 2.33(a)(2) and § 2.40(a)(2). See also *Animal Welfare Inspection Guide* at 6-1 to 6-14.

<sup>53</sup> 9 C.F.R. § 2.131 (b), (c) and (d). For detailed guidance on what the agency looks for in certain public contact and exhibition situations see *Animal Welfare Inspection Guide* at Animal Rides 4-6, Drive-Through Zoo 4-23, Petting Zoo 4-31, and Photo Shoot 4-36.

<sup>58</sup> 9 C.F.R. § 2.134 (temporarily stayed, 78 Fed. Reg. 46255 (July 31, 2013)). See also APHIS Animal Care Final Rule on Handling of Animals, Contingency Plans, 77 Fed. Reg. 76815 (Dec. 31, 2012), available at:  
<http://www.gpo.gov/fdsys/pkg/FR-2012-12-31/pdf/2012-31422.pdf>

<sup>71</sup> See 1) USDA, APHIS, *Animal Health / Program Overview*, available at:  
[http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth/sa\\_program\\_overview!/ut/p/a1/rZFdb4IwFIZ\\_ixe7JC0F-bjET1CZy5xTuGlKBekCLZbq5n79qtvNkulcst6d5jknb54XpGANUk4ObEsUE5xUpzl18GQeIrMHUTRe-EMY3T-PYm\\_mWvPQ1kCigf44CG13BiG0PQSjQS8cuH4MYeTctg8vvAD-tr8CKUgpV40qQUKakrWYCq5yrnDFMknk8Q62Blu9xIWg-Y8Ec5qUuEyJ5Uqzz-NFFtJaiwOuTyw\\_PV0taFsAxILWaa5cR0jM2lh2MhxDD\\_zoWFZNKPE71KTks8U34KOhz0ddDR7cKcTBKfdL-CaqDNwxUSiVbkXXfg2WPwx9eSGcpCM-FWnyWqNBgvBFj\\_pEuT7GW3SwNdxkn\\_mwLrf2yjzZfL2rOcx\\_D9qahXXht00h-KUuCD/?1dmy&urile=wcm%3apath%3a%2FAPHIS\\_Content\\_Library%2FSA\\_Our\\_Focus%2FSA\\_Animal\\_Health%2FSA\\_Program\\_Overview%2F](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth/sa_program_overview!/ut/p/a1/rZFdb4IwFIZ_ixe7JC0F-bjET1CZy5xTuGlKBekCLZbq5n79qtvNkulcst6d5jknb54XpGANUk4ObEsUE5xUpzl18GQeIrMHUTRe-EMY3T-PYm_mWvPQ1kCigf44CG13BiG0PQSjQS8cuH4MYeTctg8vvAD-tr8CKUgpV40qQUKakrWYCq5yrnDFMknk8Q62Blu9xIWg-Y8Ec5qUuEyJ5Uqzz-NFFtJaiwOuTyw_PV0taFsAxILWaa5cR0jM2lh2MhxDD_zoWFZNKPE71KTks8U34KOhz0ddDR7cKcTBKfdL-CaqDNwxUSiVbkXXfg2WPwx9eSGcpCM-FWnyWqNBgvBFj_pEuT7GW3SwNdxkn_mwLrf2yjzZfL2rOcx_D9qahXXht00h-KUuCD/?1dmy&urile=wcm%3apath%3a%2FAPHIS_Content_Library%2FSA_Our_Focus%2FSA_Animal_Health%2FSA_Program_Overview%2F) and 2) USDA, APHIS, *National Veterinary Accreditation Program Reference Guide* (APHIS 91-55-082), available at:  
[http://www.aphis.usda.gov/animal\\_health/vet\\_accreditation/downloads/nvap\\_ref\\_guide.pdf](http://www.aphis.usda.gov/animal_health/vet_accreditation/downloads/nvap_ref_guide.pdf) and 3) 9 C.F.R. §§ 160, 161, 162, available at:  
[http://www.aphis.usda.gov/animal\\_health/vet\\_accreditation/downloads/CFR\\_Parts\\_160-161-162.pdf](http://www.aphis.usda.gov/animal_health/vet_accreditation/downloads/CFR_Parts_160-161-162.pdf)



## Appendices

### Appendix A

- APHIS Form 7003A (Application for New License)

**Available at:**

[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf) (A-11 at 313)

- APHIS Form 7003 (Application for License Renewal)

**Available at:**

[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf) (A-13 at 315)

### Appendix C

- *Animal Welfare Inspection Guide* (2013), General Inspection Procedures, Completing the Inspection Report, Inspection Appeals Process

**Available at:**

[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf) [(3-27 to 3-29 at 61 – 63)]

### Appendix F

- Investigative and Enforcement Services Frequently Asked Questions (Last Modified **September 23**, 2014)

**Available at:**

[http://www.aphis.usda.gov/wps/portal/aphis/resources/enforcement-actions!/ut/p/a1/04\\_Sj9CPykssy0xPLMnMz0vMAfGjzOJNPC2MjIwNjDz9g52NDRwNQsPMvAwtDQ38TYEKIoEKnN0dPUzMfQwMDEwsjAw8XZw8XMwtfQ0MPPM2I02-AAzgaENIfrh-FqsTd0NEFqCTYxy\\_Qw83AwNsQggCfE8EK8LihIDc0wiDTUxEA3jnDeA!/?1dmy&urile=wcm%3apath%3a%2Faphis\\_content\\_library%2Fsa\\_our\\_focus%2Fsa\\_business\\_services%2Fsa\\_investigative\\_enforcement%2Fct\\_ies\\_faq](http://www.aphis.usda.gov/wps/portal/aphis/resources/enforcement-actions!/ut/p/a1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOJNPC2MjIwNjDz9g52NDRwNQsPMvAwtDQ38TYEKIoEKnN0dPUzMfQwMDEwsjAw8XZw8XMwtfQ0MPPM2I02-AAzgaENIfrh-FqsTd0NEFqCTYxy_Qw83AwNsQggCfE8EK8LihIDc0wiDTUxEA3jnDeA!/?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_business_services%2Fsa_investigative_enforcement%2Fct_ies_faq)

## ***Online Resources***

**Animal Care Policy Manual (March 7, 2014):**

[http://www.aphis.usda.gov/animal\\_welfare/policy.php](http://www.aphis.usda.gov/animal_welfare/policy.php)

**THEN PERHAPS NO LINK?**

***Animal Welfare Inspection Guide (September 2013):***

[http://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf)