

## MEMO

Re: Commercial or Non-Commercial Breeder Application  
From: Law Enforcement Division  
Subject: Breeder's Licenses for Raising Animals

There are two types of licenses for breeding birds or animals. With both licenses, you can legally breed and raise wildlife, you must have receipts of the breeding stock from a legal source other than the wild. Also, with both licenses, you need to have the facility built, inspected by the game warden of the county in which the facility is located, and have your license in hand before purchasing your breeding stock.

The Commercial Breeder's license is needed when the breeder wants to sell the birds or animals he raises or his stock. The license is \$48.00 annually and needs to be renewed by July 1<sup>st</sup>. With the commercial license, the breeder is given a three-page sales receipt to use when he sales his animals; one copy for the breeder's files, one copy to mail to this office, and the original to go to the purchaser. An annual report form is completed by the breeder at the end of the year and is mailed to this office giving all the details of purchases, sales, deaths, and births of animals being raised for that year.

The Non-Commercial Breeder's license is purchased when the breeder wants to raise animals for his or her own consumption, keep as a pet, or to release with permission of the landowner. This license is \$10.00 annually and needs to be renewed by July 1<sup>st</sup>. An annual report and sales receipts aren't necessary since there is no sale of animals.

If a person intends to purchase animals from out-of-state, he or she will need an import permit and breeder's license from the Law Enforcement Division before importing the animals. Included is a schedule that shows which animals require an Import Permit from ODWC or the Agriculture Department and a breeder's license from the Oklahoma Department of Wildlife Conservation.

# APPLICATION FOR COMMERCIAL WILDLIFE BREEDER'S LICENSE

**RETURN TO:**

OKLAHOMA DEPARTMENT OF WILDLIFE  
CONSERVATION  
P. O. BOX 53465  
OKLAHOMA CITY, OK 73152-3465

<b>OFFICE USE ONLY</b>
PERMIT NUMBER: _____
DATE ISSUED: _____

UNDER THE TERMS OF TITLE 29 OF THE OKLAHOMA STATUTES, SECTION 4-121 THROUGH 4-124, **ENCLOSE \$48.00 CASHIERS CHECK OR MONEY ORDER FOR A COMMERCIAL WILDLIFE BREEDER'S LICENSE.**  
*(Please print)*

NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
NAME OF YOUR BUSINESS \_\_\_\_\_ WORK PHONE (\_\_\_\_) \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_  
STATE \_\_\_\_\_ ZIP \_\_\_\_\_ COUNTY \_\_\_\_\_ HOME PHONE NO. (\_\_\_\_) \_\_\_\_\_  
DRIVER'S LICENSE NUMBER \_\_\_\_\_ STATE \_\_\_\_\_ LICENSE EXPIRES \_\_\_\_\_  
SSNumber (last 4 ) \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_  
SPECIES OF WILDLIFE TO BE PROPAGATED, SOLD OR TRANSPORTED \_\_\_\_\_  
PHYSICAL LOCATION OR LEGAL DESCRIPTION OF PROPERTY TO BE USED \_\_\_\_\_  
\_\_\_\_\_  
LIST NUMBER OF ACRES AND DESCRIBE FACILITIES IN DETAIL \_\_\_\_\_  
\_\_\_\_\_

In operating under this Permit, I agree to comply with the laws of the State of Oklahoma, and the rules and regulations of the Oklahoma Wildlife Conservation Commission. I do not have on hand now, and will not have on hand at any time, wildlife, except those secured according to the Wildlife Laws of the State of Oklahoma, and the rules and regulations of the Oklahoma Wildlife Conservation Commission.

I will keep permanent records, which may be disposed of after five years, of all wildlife raised. Said records shall also include an accounting by species and number of animals, and final disposition (consumed, released, etc.) of all wildlife raised. Such records shall be available for inspection at all reasonable times by an authorized representative of the Oklahoma Department of Wildlife Conservation.

I further understand that according to 29 O.S. (1981), Section 4-107, that as a Commercial Wildlife Breeder licensed under this section, that if I keep or maintain on my premises any native bear or native cat that will grow to reach the weight of 50 lbs. or more, I shall at all times keep such wildlife confined to the premises described in this commercial wildlife breeder's application, and controlled and restrained in such a manner so the life, limb or property of any person lawfully entering such premises shall not be endangered. I also understand that I shall control and restrain such wildlife so that there is no direct contact between the public and the wildlife, and the public shall not be allowed to enter into any enclosures occupied by such wildlife.

*In addition, I understand that I may not sell any such cat or bear to any person that does not possess a current Commercial Wildlife Breeder's License.*

I would like to have my name, address, telephone number, and type of brood stock placed on a list of similar licensees, I am aware that this list may be distributed as public information for referral purposes.

Please do not list my name, address, etc., on any document that is distributed to the general public.  
**You must have a completed inspection form attached when submitting this application.**

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

Recommend \_\_\_\_\_ APPROVAL or \_\_\_\_\_ DISAPPROVAL of this application.

**SIGNATURE OF GAME WARDEN** \_\_\_\_\_ **DATE** \_\_\_\_\_



# CAPTIVE WILDLIFE INSPECTION FORM

(This completed form must be included with a new Commercial or Non-Commercial Breeders Application, Commercial Hunt Area Application or if being used for an additional Commercial Hunt location, Rehabilitator Application and license renewals.)

DATE OF INSPECTION \_\_\_\_\_ TIME \_\_\_\_\_

TYPE OF LICENSE \_\_\_\_\_ COUNTY \_\_\_\_\_

NAME \_\_\_\_\_ D.O.B \_\_\_\_\_

BUSINESS NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

BUSINESS PHONE(\_\_\_\_\_) \_\_\_\_\_ HOME PHONE(\_\_\_\_\_) \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_ SS# (last 4 digits) \_\_\_\_\_

PHYSICAL LOCATION \_\_\_\_\_

\_\_\_\_\_

## REASON FOR INSPECTION:

Please check all that apply

Initial		Complaint	
Routine		Escapes	
Follow-Up		Injuries	

	<b>Check List</b>	Yes	No	N/A
<b>1</b>	Are records up to date?			
<b>2</b>	Were last years reports sent in?			
<b>3</b>	Do enclosures meet/exceed caging requirements?			
<b>4</b>	Are the doors key locked on required cages?			
<b>5</b>	Is perimeter/barrier fence provided for cats and bears?			
<b>6</b>	Fencing for deer/elk:			
	A. Are any water gap areas to be found?			
	B. Has the fence been broken and repaired?			
	C. Have any wild deer/elk been able to gain access to the area or is there evidence of such a possibility?			
<b>7</b>	Do enclosures and cages appear to be clean?			
<b>8</b>	Are animals provided adequate protection from the weather?			
<b>9</b>	Do the animals appear to be healthy?			
<b>10</b>	<b>WERE DISCREPANCIES EXPLAINED TO RECIPIENT?</b>			
<b>11</b>	<b>WERE APPROPRIATE COPIES OF REGULATIONS GIVEN OR POSSESSED?</b>			

If the animals to be release on a Commercial Hunt Area are whitetail deer, antelope or elk:

- A. State the date that the animal drive was conducted for wild deer, elk, etc. \_\_\_\_\_
- B. Name of the wardens that assisted in the drive \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Game Warden Signature** \_\_\_\_\_ /IBM# \_\_\_\_\_ Date \_\_\_\_\_

For State Game Warden Listing By County visit [www.wildlifedepartment.com/lawstatemap.htm](http://www.wildlifedepartment.com/lawstatemap.htm) or in the current Hunting and Fishing Guide.

**Instructions for Required Affidavit:**

All natural persons applying for a commercial license from the Oklahoma Department of Wildlife Conservation ("Department") are required, by the provisions of 56 O.S. Supp. 2007 § 71, to provide the Department with verification of lawful presence in the United States by executing the Affidavit below before a notary public or other officer authorized to notarize affidavits under State law. This form must be signed, notarized and returned with your application before a license can be issued.

**AFFIDAVIT VERIFYING LAWFUL PRESENCE IN THE UNITED STATES**

**Affidavit of**

\_\_\_\_\_

[Applicant's Name]

STATE OF OKLAHOMA )

) ss:

COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, of lawful age, being first duly sworn, upon  
[Applicant's Name]  
oath states, under penalty of perjury, as follows:

I am a United States Citizen, or I am a qualified alien under the federal Immigration and Naturalization Act, and I am lawfully present in the United States.

\_\_\_\_\_  
[Signature of Applicant]

Subscribed and sworn to or affirmed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_  
[Applicant]

\_\_\_\_\_  
NOTARY

My Commission Expires: \_\_\_\_\_

(Seal)

9/1/2022

**SUBCHAPTER 27. FACILITY REQUIREMENTS FOR CAPTIVE BRED WILDLIFE**

**Section**

- 800:25-27-1. Purpose
- 800:25-27-2. Procedures and guidelines

**800:25-27-1. Purpose**

The purpose of this Subchapter is to establish guidelines to serve as current standards for inspections and a basis for the approval of licenses permitting activities involving captive bred wildlife.

[Source: Added at 9 Ok Reg 1291, eff 11-15-91 (emergency); Added at 9 Ok Reg 3075, eff 7-13-92]

**800:25-27-2. Procedures and guidelines**

- (a) The following regulations shall be in effect to establish certain standards, maintenance and operations of facilities licensed to hunt, possess, raise, breed or rehabilitate wildlife, for the humane treatment, benefit, health and welfare of such captive held wildlife, or wildlife held in subjugation.
- (b) Any person, so licensed for any of the activities listed in (a) of this Section shall comply with the minimum standards set forth in the Animal Welfare Act, 9 CFR Chapter 1, subpart F, Sections 3.125 through 3.142, "Specifications for the Humane Handling, Care, Treatment and Transportation of Warmblooded Animals", and this act shall further apply to any and all wildlife as defined by the Oklahoma Wildlife Conservation Code for the purpose of this Subchapter, and a copy of the above stated act and definition shall be made available to any and all persons permitted for the activities mentioned in (a) of this Section.
- (c) Cage requirements for mammals shall be computed using the following equation: (length of mammal in inches plus 6) multiplied by (length of mammal in inches plus 6) = required area in square inches divided by 144 = required square feet of floor space. That this cage requirement shall be the required minimum of any mammal and its offspring that have not yet reached the age of eight (8) weeks of age.
- (d) Those persons holding a Commercial Hunting Area License, or a Commercial Wildlife Breeders License and holding any mammals in subjugation, or any persons licensed to rehabilitate any sick or injured wildlife shall be required to have a veterinarian of record, and shall have a written parasite/pest control program that has been reviewed and signed by their respective veterinarian of record.
- (e) Any venomous reptile possessed by a permittee shall be kept in a solid enclosure that is structurally sound so that it restricts access and contains the animal. Any ventilation ports shall be constructed of a double layer of fine mesh screen or a similar suitable material firmly secured to the cage, and any transparent sides shall be of a thickness of no less than 1/4" glass or plexiglass. Additionally, each cage door shall be key locked or secured with a similar type mechanical lock.
- (f) All cages or enclosures housing any bear or cat that will grow to reach 50 pounds or more shall be key locked or secured with a similar type mechanical lock. Any cages or enclosures housing bear or cats which is visible to the public shall be required to have a perimeter/barrier fence constructed to prohibit unrestricted access, and to reduce risk of harm to the public.
- (g) Commercial Wildlife Breeders who are raising, breeding, and selling mule deer, whitetail deer, and elk for the purposes of selling the deer and elk for meat, as allowed in O.S. 29, Section 5-601, may slaughter the deer and elk year round under the Exotic Livestock and Exotic Livestock Products Inspection Act in the Agriculture Code. Operators of such facilities shall contact the warden(s) in the county where the facility is located and provide notice of such slaughter a minimum of twenty-four (24) hours before the animals are slaughtered.
- (h) All records, and facilities, of Commercial Wildlife Breeders shall be available for inspection at all reasonable times by authorized representatives of the Department, and/or authorized representatives of the Department of Agriculture.
- (i) No person may:
  - (1) Kill or attempt to kill, injure or attempt to injure any cat or bear that can grow to a weight of fifty pounds or more that is:
    - (A) in captivity in this state; or
    - (B) released from captivity in this state for the purpose of being killed; or
  - (2) Conduct, promote, assist, or advertise an activity prohibited by this section, and
- (j) No person may:
  - (1) Sell or offer for sale, transport or consign for transportation in this state, including interstate commerce in this state, a cat or bear that can grow to a weight of fifty pounds or more that is to be used for controlled killing prohibited under this section; or
  - (2) Sell or offer for sale a part of a product made from a cat or bear that can grow to a weight of fifty pounds or more

**800:25-26-7. Uses and specifications**

- (a) A copy of the letter of authorization must be carried by each authorized individual when active in the field.
- (b) Each letter of authorization will describe the extent of the activities that it covers including the geographic area and the methods of capture or take.
- (c) Letter of authorization may be issued for the capture, possession and vouchering of species that cannot be permitted under a scientific collector's permit including deer, bear, elk, antelope and turkey.
- (d) Letters of authorization may be issued to individuals and laboratories within government research institutions and public universities that conduct fish and wildlife research funded by the Oklahoma Department of Wildlife Conservation.
- (e) A letter of authorization does not preclude the need for a federal permit. The capture, possession and vouchering of migratory birds and federally-listed threatened or endangered species requires a federal permit unless exempted under an Endangered Species Act Section 4(d) rule.
- (f) A letter of authorization does not preclude the need to obtain permission from landowners to operate on private property, or the need to obtain permission from official area managers when operating on municipal, state or federal lands.

[Source: Added at 37 Ok Reg 2329, eff 9-11-20]

**ALL REQUIRED TESTS MUST BE DONE WITHIN THE (30) DAYS PRIOR TO ENTRY**

(AI) AVIAN INFLUENZA (BR) BRUCELLOSIS (MG) M. GALLISEPTICUM TEST  
 (PRV) PSEUDORABIES (PT) PULLORUM TYPHOID (TB) TUBERCULOSIS

SPECIES	SUB-SPECIES	IMPORT/EXPORT PERMIT**			TEST REQUIRED	BREEDER'S LICENSE	HEALTH CERT.
		AGRI.	WL	FED.			
African Hoofed Stock	Non-Cervidae						
Antelope:	Pronghorn		X			X	X
Alpaca							X
Badger			X			X	X
Bear:	All		X			X	X
Beaver			X			X	X
Bison					BR		X
Caribou		X			BR TB		X
Cat:	Lions, Tigers, Etc.		X			X	X
	Domestic						X
Chipmunk:	All		X			X	X
Chukar		X			PT	X	X
Civet							X
Coatimundi							X
Coyote	Prohibited from Texas		X			X	X
Deer	Mule	X			BR TB	X	X
	White-tailed	X			BR TB	X	X
	All Others	X			BR TB		X
Duck:	American		X	X	PT	X	X
	Bufflehead		X	X	PT	X	X
	Canvasback		X	X	PT	X	X
	Elder		X	X	PT	X	X
	Gadwal		X	X	PT	X	X
	Garganey		X	X	PT	X	X
	Gold Eye		X	X	PT	X	X
	Harlequin		X	X	PT	X	X
	Hawaiian		X	X	PT	X	X
	Layban		X	X	PT	X	X
	Mallard		X	X	PT	X	X
	Mallard (Captive)				PT	X	X
	Masked		X	X	PT	X	X
	Merganser		X	X	PT	X	X
	Mottled		X	X	PT	X	X
	Old Squaw		X	X	PT	X	X
	Pintail		X	X	PT	X	X
	Pouchard		X	X	PT	X	X
	Red Head		X	X	PT	X	X
	Rink-necked		X	X	PT	X	X
Ruddy		X	X	PT	X	X	
Scaup		X	X	PT	X	X	
Scoter		X	X	PT	X	X	
Shoveler		X	X	PT	X	X	
Smew		X	X	PT	X	X	
Teal		X	X	PT	X	X	
Tufted		X	X	PT	X	X	
Whistling		X	X	PT	X	X	



**ALL REQUIRED TESTS MUST BE DONE WITHIN THE (30) DAYS PRIOR TO ENTRY**

(AI) AVIAN INFLUENZA      (BR) BRUCELLOSIS      (MG) M. GALLISEPTICUM TEST  
(PRV) PSEUDORABIES      (PT) PULLORUM TYPHOID      (TB) TUBERCULOSIS

SPECIES	SUB-SPECIES	IMPORT/EXPORT PERMIT**			TEST REQUIRED	BREEDER'S LICENSE	HEALTH CERT.
		AGRI.	WL	FED.			
Duck:	Wigeon		X	X	PT	X	X
	Wood		X	X	PT	X	X
Elk		X			BR TB	X	X
Emu		X			AI		X
Ferret:	Blackfooted		X			X	X
Fisher			X			X	X
Fox:	Arctic		X				X
	Exotic, all others		X				X
	Grey		X			X	X
	Kit		X			X	X
	Red		X			X	X
	Swift		X			X	X
Geese:	Barnacle		X	X	PT	X	X
	Bean		X	X	PT	X	X
	Canada		X	X	PT	X	X
	Emperor		X	X	PT	X	X
	Greater		X	X	PT	X	X
	Hawaiian		X	X	PT	X	X
	Ross		X	X	PT	X	X
	Snow		X	X	PT	X	X
Goat:	Mountain						X
	All Others						X
Guanaco							X
Hare:	Arctic		X				X
	Tundra		X				X
	All Others		X				X
Hoofed Stock	Non-Cervidae						X
Ibex							X
Jerboa							X
Kangaroo							X
Llama							X
Markhor							X
Marmot:	All Species		X			X	X
Marten			X			X	X
Mink			X			X	X
Moose		X			BR TB	X	X
Musk Ox					BR		X
Muskrat:	All Species		X			X	X
Nutria			X			X	X
Opossum			X			X	X
Ostrich		X			AI		X
Otter:	River		X			X	X
	Sea		X			X	X
Peccary (Javellina)		X			BR PRV		X
Pheasant:	Ringneck	X			PT	X	X
	All Others				PT		X

\*\*PERMIT PHONE NUMBERS

AGRICULTURE 405-522-6139

WILDLIFE DEPT. 405-521-3719

**ALL REQUIRED TESTS MUST BE DONE WITHIN THE (30) DAYS PRIOR TO ENTRY**

(AI) AVIAN INFLUENZA

(BR) BRUCELLOSIS

(MG) M. GALLISEPTICUM TEST

(PRV) PSEUDORABIES

(PT) PULLORUM TYPHOID

(TB) TUBERCULOSIS

SPECIES	SUB-SPECIES	IMPORT/EXPORT PERMIT**			TEST REQUIRED	BREEDER'S LICENSE	HEALTH CERT.
		AGRI.	WL	FED.			
Pika			X			X	X
Porcupine			X			X	X
Potbellied Pig		X			BR PRV		X
Prairie Dog			X			X	X
Psittacine Birds							X
Quail:	Blue/Scale	X			PT	X	X
	Bobwhite	X			PT	X	X
	California	X			PT	X	X
	Gambel	X			PT	X	X
	Masked	X			PT	X	X
	Montezuma	X			PT	X	X
	Mountain	X			PT	X	X
Rabbit:	Brush		X			X	X
	Cottontail		X			X	X
	Jack (All)		X			X	X
	Marsh		X			X	X
	Pygmy		X			X	X
Raccoon	Prohibited from the Eastern Seaboard		X			X	X
						X	X
Reptile:	Native (Oklahoma)		X			X	
	Poison Exotic		X			X	
	Non-Poison Exotic						
Rhea		X			AI		X
Ringtail			X			X	X
Sheep:	Bighorn	X				X	X
	Dall	X				X	X
	Mouflon						X
	All Others						X
Skunk			X			X	X
Squirrel			X			X	X
Sugar Gilder							
Swan:	Trumpeter		X	X	PT	X	X
	Tundra		X	X	PT	X	X
	Whooper		X	X	PT	X	X
Swine:	All Speces	X			BR PRV		X
Turkey:	Eastern	X			PT MG	X	X
	Merrlam	X			PT MG	X	X
	Rio Grand	X			PT MG	X	X
	All Others				PT MG		X
Vicuna							X
Wallaby							X
Weasel:	Least		X			X	X
	Long Tail		X			X	X
	Short Tail		X			X	X
Wolf:	Grey		X			X	X
	Red		X			X	X

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(AI) AVIAN INFLUENZA      (BR) BRUCELLOSIS      (MG) M. GALLISEPTICUM TEST  
 (PRV) PSEUDORABIES      (PT) PULLORUM TYPHOID      (TB) TUBERCULOSIS

SPECIES	SUB-SPECIES	IMPORT/EXPORT PERMIT**			TEST REQUIRED	BREEDER'S LICENSE	HEALTH CERT.
		AGRI.	WL	FED.			
	Wolf Hybrid					X	
Woodchuck	All Species		X			X	

5/11/2018

### § 3.125 Facilities, general.

(a) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

[ 36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, June 22, 1979, and amended at 44 FR 63492, Nov. 2, 1979]

### § 3.126 Facilities, indoor.

(a) *Ambient temperatures.* Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) *Lighting.* Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) *Drainage.* A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

### § 3.127 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(c) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(d) *Perimeter fence.* On or after May 17, 2000, all outdoor housing facilities (*i.e.*, facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator. A perimeter fence is not required:

(1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(2) Where the outdoor housing facility is protected by an effective natural barrier that restricts the animals to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(3) Where appropriate alternative security measures are employed and the Administrator gives written approval; or

(4) For traveling facilities where appropriate alternative security measures are employed; or

(5) Where the outdoor housing facility houses only farm animals, such as, but not limited to, cows, sheep, goats, pigs, horses (for regulated purposes), or donkeys, and the facility has in place effective and customary containment and security measures.

[ 36 FR 24925, Dec. 24, 1971. Redesignated at 44 FR 36874, July 22, 1979, as amended at 64 FR 56147, Oct. 18, 1999; 65 FR

### **§ 3.128 Space requirements.**

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.

### **§ 3.129 Feeding.**

(a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(b) Food, and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

### **§ 3.130 Watering.**

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

### **§ 3.131 Sanitation.**

(a) *Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

(b) *Sanitation of enclosures.* Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(d) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

### **§ 3.132 Employees.**

A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care.

### **§ 3.133 Separation.**

Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

### **§ 3.136 Consignments to carriers and intermediate handlers.**

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) Any carrier or intermediate handler shall only accept for transportation or transport, in commerce, any live animal in a primary enclosure which conforms to the requirements set forth in § 3.137 of the standards: *Provided, however,* That any carrier or intermediate handler may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or any licensed or registered dealer, research facility, exhibitor, or operator of an auction sale if the consignor furnishes to the carrier or intermediate handler a certificate, signed by the consignor, stating that the primary enclosure complies with § 3.137 of the standards, unless such primary enclosure is obviously defective or damaged and it is apparent that it cannot reasonably be expected to contain the live animal without causing suffering or injury to such live animal. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

- (1) Name and address of the consignor;
- (2) The number of animals in the primary enclosure(s);
- (3) A certifying statement (e.g., "I hereby certify that the \_\_\_ (number) primary enclosure(s) which are used to transport the animal(s) in this shipment complies (comply) with USDA standards for primary enclosures ( 9 CFR part 3)."); and
- (4) The signature of the consignor, and date.

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States or of any State or local government, or by any person (including any licensee or registrant under the Act, as well as any private individual) if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to part 160 of this title on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such live animal is acclimated to air temperatures lower than those prescribed in §§ 3.141 and 3.142. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

- (1) Name and address of the consignor;
- (2) The number of animals in the shipment;
- (3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2 °C. (45 °F.)"); and
- (4) The signature of the USDA accredited veterinarian, assigned accreditation number, and date.

(d) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live animals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

[ 42 FR 31569, June 21, 1977, as amended at 43 FR 21166, May 16, 1978. Redesignated at 44 FR 36874, July 22, 1979, and amended at 44 FR 63493, Nov. 2, 1979]

### **§ 3.137 Primary enclosures used to transport live animals.**

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live animal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live animals shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live animals; (4) except as provided in paragraph (g) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; (5) except as provided in paragraph (g) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) except as provided in paragraph (g) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Live animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same primary enclosure with any male animal.

(c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments: *Provided, however,* That certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Primary enclosures used to transport live animals as provided in this section shall have solid bottoms to prevent leakage in shipment and still be cleaned and sanitized in a manner prescribed in § 3.131 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbant material, which is safe and nontoxic to the live animals contained therein, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(e) Primary enclosures used to transport live animals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal", whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings to indicate the correct upright position of the container.

(f) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(g) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface



area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

[ 42 FR 31569, June 21, 1977, as amended at 43 FR 21166, May 16, 1978. Redesignated at 44 FR 36874, July 22, 1979]

### **§ 3.138 Primary conveyances (motor vehicle, rail, air, and marine).**

- (a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.
- (b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.
- (c) No live animal shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each live animal has access to sufficient air for normal breathing.
- (d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live animals can be removed from the primary conveyance as soon as possible.
- (e) The interior of the animal cargo space shall be kept clean.
- (f) Live animals shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the animals unless proper precaution is taken to prevent such injury.

### **§ 3.139 Food and water requirements.**

- (a) All live animals shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities and operators of auction sales shall provide potable water to all live animals transported in their own primary conveyance at least every 12 hours after such transportation is initiated, and carriers and intermediate handlers shall provide potable water to all live animals at least every 12 hours after acceptance for transportation in commerce: *Provided, however,* That except as directed by hibernation, veterinary treatment or other professionally accepted practices, those live animals which, by common accepted practices, require watering more frequently shall be so watered.
- (b) Each live animal shall be fed at least once in each 24 hour period, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those live animals which, by common accepted practice, require feeding more frequently shall be so fed.
- (c) A sufficient quantity of food and water shall accompany the live animal to provide food and water for such animals for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, and other professionally accepted practices.
- (d) Any dealer, research facility, exhibitor or operator of an auction sale offering any live animal to any carrier or intermediate handler for transportation in commerce shall affix to the outside of the primary enclosure used for transporting such live animal, written instructions concerning the food and water requirements of such animal while being so transported.
- (e) No carrier or intermediate handler shall accept any live animals for transportation in commerce unless written instructions concerning the food and water requirements of such animal while being so transported is affixed to the outside of its primary enclosure.

### **§ 3.140 Care in transit.**

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live animals as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live animals shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live animals whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live animals are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No animal in obvious physical distress shall be transported in commerce.

(b) Wild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions: *Provided, however,* That a temporary primary enclosure may be used, if available, and such temporary primary enclosure is structurally strong enough to prevent the escape of the animal. During the course of transportation, in commerce, live animals shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

### **§ 3.141 Terminal facilities.**

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.141 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live animals shall be provided with fresh air by means of windows, doors vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live animals when the air temperature within such animal holding area is 23.9 °C. (75 °F.) or higher. The air temperature around any live animal in any animal holding area shall not be allowed to fall below 7.2 °C. (45 °F.) nor be allowed to exceed 29.5 °C. (85 °F.) at any time: *Provided, however,* That no live animal shall be subjected to surrounding air temperatures which exceed 23.9 °C. (75 °F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live animal shall be measured and read outside the primary enclosure which contains such animal at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

[ 43 FR 56217, Dec. 1, 1978. Redesignated at 44 FR 36874, July 22, 1979]

### **§ 3.142 Handling.**

(a) Carriers and intermediate handlers shall move live animals from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility as expeditiously as possible. Carriers and intermediate handlers holding

any live animal in an animal holding area of a terminal facility or in transporting any live animal from the animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun and such live animals shall not be subjected to surrounding air temperatures which exceed 29.5 °C. (85 °F), and which shall be measured and read in the manner prescribed in § 3.141 of this part, for a period of more than 45 minutes.

(2) *Shelter from rain or snow.* Live animals shall be provided protection to allow them to remain dry during rain or snow.

(3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live animals when the outdoor air temperature falls below 10 °C. (50 °F) and such live animals shall not be subjected to surrounding air temperatures which fall below 7.2 °C. (45 °F.), and which shall be measured and read in the manner prescribed in § 3.141 of this part, for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.136(c).

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(c) Primary enclosures used to transport any live animal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

[ 43 FR 21167, May 16, 1978, as amended at 43 FR 56217, Dec. 1, 1978. Redesignated at 44 FR 36874, July 22, 1979] .