



AWA AMENDMENT REGULATES IMPORTATION OF DOGS

**** OCTOBER 31, 2011 COMMENT DEADLINE ****

The Issue:

Provisions within the Food, Conservation, and Energy Act of 2008 imposed new restrictions on the importation of dogs into the United States. While the statutory restrictions imposed by that Act are technically already in effect, the measure also called for adoption of regulatory standards to implement the law. The USDA's Animal Plant Health Inspection Service (APHIS) has published [a proposed rule](#) implementing these import restrictions and calling for public comment on the proposal no later than October 31, 2011.

The Impact:

The statutory changes amended the Animal Welfare Act (AWA) to prohibit the importation of any dog into the United States "for purposes of resale" without first meeting the following requirements. The animal(s) must:

- Be in good health;
- Have received all necessary vaccinations; and
- Be at least 6 months of age

An amendment to the original proposal which PIJAC successfully had inserted into the law provides an exemption for dogs imported into Hawaii. Puppies imported into Hawaii are not subject to this age restriction so long as they are not subsequently shipped out of the state for resale prior to reaching 6 months of age. The reason for the exemption is that Hawaii, as a rabies-free state, may not import puppies from the continental U.S. but, rather, may only import them from other rabies-free jurisdictions.

Under the proposed rule, dogs imported into the U.S. for resale, research or veterinary treatment must be accompanied by an import permit issued by APHIS. The permit would carry a proposed arrival date and would be valid for importing the dogs for no more than 30 days subsequent to that arrival date. Additionally, importers must have both an original health certificate for the dogs being imported, and a valid rabies vaccination certificate. The import permit requirement, not specifically provided for under statutory law, is a mechanism proposed by APHIS to effectively implement the statutory mandate.

The rule further provides that, upon arrival at the first U.S. port of entry, the importer (or his agent) must “present the import permit and any applicable certifications and veterinary treatment agreement [if imported for treatment purposes] to the collector of customs for use at that port.” Any dog that is refused entry into the U.S. for failure to comply with these requirements may be “removed” or “seized” and the importer will be subject to the cost of care, forfeiture and adoption of the dog.

APHIS states that the information it has offers “no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities.” But the agency concedes that its data is limited, and explicitly solicited public input on impact, specifically seeking information on “the number and kind of small entities that may incur benefits or costs” from implementation of the rule.

The agency is also seeking public comment on the number of dogs (and the age of such dogs) that are imported into the U.S. and, specifically, the number of imported dogs that would be subject to this rule. **Note that the proposed rule does not apply to dogs that are imported by pet owners, or others who are not bringing the animals in for purposes of resale, or for research or veterinary treatment.**

Recommended Action:

This proposed rule is subject to a public comment period ending October 31, 2011. APHIS is required to consider comments, including data and other factual information, submitted in response to the proposal, and may amend the proposal in response to those comments. What APHIS cannot do is change the underlying statute that precipitated this proposed rulemaking in the first place. **Anybody concerned about the impact of this proposal is urged to submit comments to APHIS. Commenters should be aware, however, that to be most effective, any suggestions for amendments to the proposal should focus on the implementation process proposed by APHIS.**

Comments may be submitted either electronically, or by mail, as follows:

- To submit comments via Internet, visit the Federal eRulemaking Portal at: <http://www.regulations.gov/#!submitComment;D=APHIS-2009-0053-0001>.
- To submit comments by mail, send to:
Docket No. APHIS-2009-0053
Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8,
4700 River Road, Unit 118,
Riverdale, MD 20737-1238.

You may also [view comments](#) that have already been submitted to the agency on this rulemaking.

PIJAC will publish a revised *PetAlert* on this proposed rulemaking to advise members of status updates and to recommend further action as appropriate. If you have further questions about this proposal, contact PIJAC’s Michael Maddox by telephone at 202-452-1525, Ext. 106 or via email michael@pijac.org.

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On behalf of pets, responsible pet owners, and the pet industry, we thank you!