



USDA Proposed Rule Reinstates Emergency Planning Mandate for Licensees

By [AKC Government Relations](#)

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The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), announced on June 24 that it is re-issuing a rule to require that breeder/dealers, research facilities, intermediate handlers, carriers and other animal enterprises subject to USDA licensing [establish emergency/ contingency planning in the event of a natural or manmade disaster](#) or other business disruption.

Dog breeders subject to USDA licensing and requirements include those who maintain more than 4 intact females and sell the offspring sight unseen.

A similar, final rule for USDA licensees was published in December 2012 and implemented in January 2013. However, the rule was stayed in July 2013 due to concerns about the impact the rule would have on small enterprises. The new proposed rule, published today, re-establishes emergency/contingency planning requirements similar to those [first published in 2012 \(77FR76814-76824\)](#).

Elements of 2012 final rule included development and implementation of an appropriate plan to provide for the care of animals in the event of an emergency or disaster that could reasonably be anticipated and expected to be detrimental to the health and wellbeing of the animals in their possession. The plans should:

- Identify situations the facility might experience that would trigger the need for the measures identified in a contingency plan to be put into action including, but not limited to, emergencies such as electrical outages, faulty HVAC systems, fires, and animal escapes, as well as natural disasters the facility is most likely to experience.
- Outline specific tasks required to be carried out in response to the identified emergencies or disasters including, but not limited to, detailed animal evacuation instructions or shelter-in-place instructions and provisions for providing backup sources of food and water as well as sanitation, ventilation, bedding, veterinary care, etc.
- Identify a chain of command and who (by name or by position title) will be responsible for fulfilling these tasks; and
- Address how response and recovery would be handled in terms of materials, resources, and training. Records and documentation of plan updates, reviews, and staff training would be subject to inspection.

APHIS's updated changes to the rule above include an effective date that is 180 days following publication of the final rule, reducing reporting on staff training details, and provision of an

optional contingency/emergency planning form to assist enterprises in creating a contingency plan.

In proposing the new requirements, the APHIS noted “The lifting of the stay and proposed revisions ... better ensure that entities responsible for animals regulated under the AWA are prepared to safeguard the health and welfare of such animals in the event of possible emergencies or disasters. “

APHIS also notes that the benefits of contingency planning include preventing the loss of animal life in a natural disaster, mitigating loss of resources and business capital or income, reducing recovery time from disasters and allowing for business continuity.

AKC agrees that establishing and maintaining an emergency/contingency plan is an important part of responsible dog ownership — regardless of whether a person owns one or 100 dogs. AKC encourages all dog owners to have emergency plans for pet care in case of an emergency or disaster situation.

What You Can Do:

USDA APHIS invites comments on the proposed rule, particularly with respect to the time and cost for facilities to develop such a plan, as well as additional new recommendations for helping licensees to achieve compliance efficiently and with minimum expenditure.

[For more details or information, view the proposed rule.](#) Specific questions may be directed to Dr. Elizabeth Theodorson, DVM, MPH, Assistant Deputy Administrator, Animal Care, APHIS, 4700 River Road Unit 86, Riverdale, MD 20737: (970) 494-7473.

Comments may be submitted to APHIS until August 24, 2021:

- Online at the Federal rulemaking portal [regulations.gov](https://www.regulations.gov). Enter APHIS-2020-0101 in the Search field.
- By postal mail or commercial delivery: Send comments to Docket No. APHIS-2020-0101, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

AKC GR will provide information on the proposal and AKC comments as warranted. For AKC-related information, contact doglaw@akc.org or call 919-816-3720.