DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3
[Docket No. 04–088–1]
RIN 0579–ZA01

Animal Welfare; Standards for Ferrets

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of petition and request for comments.

SUMMARY: We are notifying the public that the Animal and Plant Health Inspection Service has received a petition requesting that specific standards be promulgated for the humane handling, care, treatment, and transportation of domestic ferrets. We are soliciting comments from the public regarding the petition, and whether we should continue to regulate the handling, care, treatment, and transportation of ferrets covered by the Animal Welfare Act under the general standards in the regulations, or promulgate specific standards for ferrets. We are also requesting comments regarding what should be included in any such standards.

DATES: We will consider all comments that we receive on or before October 4, 2005.

ADDRESSES: You may submit comments by either of the following methods:

- EDOCKET: Go to http://www.epa.gov/fedocket to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the “View Open APHIS Dockets” link to locate this document.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. 04–088–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 04–088–1.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1411 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.


FOR FURTHER INFORMATION CONTACT: Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7586.

SUPPLEMENTARY INFORMATION:

Background

Under the Animal Welfare Act (AWA) (7 U.S.C. 2131 et seq.), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, and carriers and intermediate handlers.

The definition of “animal” in the AWA is, in part: “* * * any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warmblooded animal as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet.” This definition excludes “(1) birds, rats of the genus Rattus, and mice of the genus Mus, bred for use in research, (2) horses not used for research purposes, and (3) other farm animals, such as, but not limited to livestock and 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.” (7 U.S.C. 2132(g).)

Within the United States Department of Agriculture, responsibility for enforcing the AWA has been delegated to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for enforcing the AWA has been delegated to the Deputy Administrator for Animal Care.

Regulations established under the AWA are contained in the Code of Federal Regulations (CFR) in 9 CFR parts 1 and 2, and 9 CFR part 3 contains standards for the humane handling, care, treatment, and transportation of animals covered by the AWA. Currently, part 3 consists of subparts A through E, which contain specific standards for dogs and cats, guinea pigs and hamsters, rabbits, nonhuman primates, and marine mammals, respectively, and subpart F, which sets forth general standards for...
warmblooded animals not otherwise specified in that part.

In a petition dated March 10, 2004, the International Ferret Congress requested that APHIS develop and promulgate specific standards for the care and handling of domestic ferrets (Mustela furo). Currently, the standards that apply to domestic ferrets are set forth in part 3, Subpart F. The petition in its entirety states:

International Ferret Congress
Sandra C. Kudrak, DVM, DABVP
Ferret Wise Rescue and Rehabilitation Shelter
West Central Ohio Ferret Shelter
Ferret Lovers Club of Texas
Maryland Ferret PAWS, Inc.
Support Our Shelters
Ferret Rescue of Maine

Submitted to Mr. Bobby Acord,
Administrator of the Animal Plant Health
Inspection Service and Ms. Ann M
Veneman, Secretary of the United States
Department of Agriculture

Dear Sir and Madam: We are petitioning
the United States Department of Agriculture
regarding the lack of adequate protection for the
domestic ferret (Mustela furo) under the
current provisions of the Animal Welfare
Act.

Currently, the domestic ferret is considered
to be one of the most popular companion
animals in the United States as well as
around the world. Sadly, the protection
afforded to it by the Animal Welfare Act does
not take into account the specific biological,
physiological, and social needs of this animal
in a manner consistent with other household
pets such as cats and dogs. Given practices
such as early and forced weaning, ferret kits
are being shipped too young, resulting in
large numbers of animals become ill during
or shortly after transport. Many more animals
develop significant behavioral abnormalities
(such as aggression not normally seen in
ferrets) because their inherent needs are not
being met during weaning and transportation
process. Additionally, ferret kits are arriving
to pet stores malnourished and ill.

Starvation, pneumonia, prolapsed rectums, and
seizures are regularly documented.

These animals, because of behavior
problems, are being relinquished in large
numbers to shelters and private individuals
willing to attempt to rehabilitate them.
Unfortunately, many are unable to recover to
a state which makes them adoptable, causing
a huge burden on the shelters as well as the
general public.

The lack of protection afforded to this
animal is contrary to both the language and
Congressional intent of the Animal Welfare
Act.

We formally request that the rulemaking be
instituted to provide for adequate regulations
specifically addressing the unique needs of
ferrets as has been done for other species.
The above parties are available and willing
to provide their experience and expertise to
see that fair, legal, and adequate regulations
be drafted.

We ask that the agency take immediate
action to remedy these violations of the
Animal Welfare Act.

We are asking the public to comment
on the petition, and as to whether they
agree or disagree with the petitioner that
specific standards should be
promulgated for the humane handling,
care, treatment, and transportation of
domestic ferrets, and what should be
included in these standards. In
particular, we are soliciting comments
on the following issues:

1. Should specific standards be
implemented for the welfare of
domestic ferrets? If yes, please explain
what standards you believe are needed and
how they will ensure ferret welfare (for
example: cage size, number of animals
shipped together, minimum/maximum
temperatures, ventilation, transportation
age, etc., and how these standards will
prevent aggressive behavior, reduce
stress on the animal, promote health,
and increase success in rehabilitation).

2. What specific problems have
dealers, exhibitors, or research facilities
had with the current handling, care,
treatment, and transportation standards
that apply to ferrets and how would
ferret-specific standards eliminate
them?

3. Should there be minimum age
requirements for the transportation of
domestic ferrets, and, if so, what factors
should be considered in determining
those requirements?

We welcome all comments on the
petition and the issues outlined above and
encourage the submission of
proposals for specific standards for the
humane handling, care, treatment, and
transportation of domestic ferrets. We
also ask commenters to submit data on
the costs and benefits of their
recommendations. We will consider all
comments and recommendations we
receive.

This action has been determined to be
significant for the purposes of Executive
Order 12866 and, therefore, has been
reviewed by the Office of Management
and Budget.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22,
2.80, and 371.7.

Done in Washington, DC, this 1st day of
August, 2005.

Bill Hawks,
Under Secretary for Marketing and Regulatory
Programs.

[FR Doc. 05–15516 Filed 8–4–05; 8:45 am]
BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY
Office of the Comptroller of the Currency

12 CFR Parts 4 and 19
[Docket No. 05–12]
RIN 1557–AC94

FEDERAL RESERVE SYSTEM

12 CFR Parts 263 and 264a
[Docket No. R–1230]

FEDERAL DEPOSIT INSURANCE
CORPORATION

12 CFR Part 308 and 336
RIN 3064–AC92

DEPARTMENT OF THE TREASURY
Office of Thrift Supervision

12 CFR Parts 507 and 509
[No. 2005–27]
RIN 1550–AB99

One-Year Post-Employment
Restrictions for Senior Examiners

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of
Governors of the Federal Reserve System (Board); Federal Deposit
Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS),
Treasury.

ACTION: Joint notice of proposed
rulemaking.

SUMMARY: The OCC, Board, FDIC and
OTS (the Agencies) propose to adopt
rules to implement section 6303(b) of the
Intelligence Reform and Terrorism
Prevention Act of 2004 (Intelligence
Reform Act), which added a new section
10(k) to the Federal Deposit Insurance
Act (FDI Act). Section 10(k) imposes
post-employment restrictions on senior
examiners of depository institutions and
depository institution holding
companies. Under section 10(k), a
senior examiner employed or
commissioned by an Agency may not
knowingly accept compensation as an
employee, officer, director, or
consultant from certain depository
institutions or depository institution
holding companies he or she examined,
or from certain related entities, for one
year after the examiner leaves the
employment or service of the Agency. If
an examiner violates the one-year
restriction, the statute requires the
appropriate Federal banking agency to