



Live Animal Imports

November 4, 2022

Fiscal Year 2022 Report to Congress



**Homeland
Security**

U.S. Customs and Border Protection

Message from the Deputy Commissioner

November 4, 2022

I am pleased to submit the following report, “Live Animal Imports,” which was prepared by U.S. Customs and Border Protection (CBP).

The report was compiled pursuant to the direction set forth in House Report 117-87, which accompanies the Fiscal Year 2022 Department of Homeland Security Appropriations Act (P.L. 117-103).

The report provides an evaluation of the need for additional U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC)-certified animal care facilities operating under a CBP-issued custodian bond.



Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions that you may have. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy A. Miller". The signature is stylized and fluid, with a large, sweeping underline that extends across the width of the text below it.

Troy A. Miller
Deputy Commissioner
U.S. Customs and Border Protection

Executive Summary

Live animals, including dogs, imported into the United States require foreign health certificates and import permits issued by CDC and the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) for admission.

CBP serves as a clearinghouse for dog importation at ports of entry (POE). CBP personnel conduct document (e.g., permit and health certificate) reviews and visual inspections of the animal's health conditions in accordance with regulatory requirements established by CDC and USDA APHIS Animal Care. U.S. POEs do not have the facilities nor the infrastructure to provide adequate care for live animals that are held pending compliance with federal regulatory requirements prior to release to importers or for animals awaiting re-exportation because of noncompliance. Recent changes in CDC regulations restrict the entry of dogs with foreign-issued rabies vaccine certificates arriving from countries with high incidents of the canine rabies virus variant; these dogs can enter into the United States through only those POEs that have CDC-approved animal care facilities.

CBP is committed strongly to working with USDA and CDC to protect both people and animals, including dogs, from all relevant health risks, and to ensuring humane and decent treatment of animals, including dogs.

CDC identifies and requires trade community entities that provide animal care services to register and comply with the licensing and certification requirements of USDA APHIS Animal Care, and to acquire a customs custodian bond from CBP. During the application process, CBP assists and guides trade community entities with satisfying the bond requirements. Between July 2021 and September 2022, four additional CDC-approved animal care facilities were established near the Los Angeles International Airport (Los Angeles, California), Hartsfield-Jackson Atlanta International Airport (Atlanta, Georgia), Miami International Airport (Miami, Florida), and Washington Dulles International Airport (Dulles, Virginia). With The Ark at JFK located at John F. Kennedy International Airport (Queens, New York), now five CDC-approved facilities can provide animal care services. CBP will continue to leverage its relationships with partner government agencies and the trade community to facilitate the development of new animal care facilities, and will seek opportunities to enhance the security, safe handling, lawful import, and humane treatment of live animals into the United States.



Live Animal Imports

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I. Legislative Language

This document was compiled pursuant to the legislative direction set forth in House Report 117-87, which accompanies the Fiscal Year 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103).

House Report 117-87 states:

Live Animal Imports.—The Committee is aware that importation of live animals, particularly dogs, has increased substantially during the COVID–19 pandemic and is concerned that CBP lacks adequate facilities and procedures to respond. The Committee notes the priority of the safety and welfare of live animals under CBP control pending clearance, and urges the agency to collaborate with U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) Animal Care to draft regulatory guidance clarifying standards of care for live animals in a properly certified animal care facility operating under a CBP-issued custodial bond, citing 7 U.S.C. 2148 (and pertinent parts) as the controlling statutory authority. This guidance shall also clarify the role of animal care facility owners in the sale, adoption, trade, or transfer ownership of live animals as it pertains to the import of live animals.

This new regulatory standard shall be prescribed as a condition in appropriate bonds issued by CBP to parties applying for a bond in which the nature of the merchandise includes live animals pending release by CBP on behalf of the Centers for Disease Control and Prevention (CDC) and/or USDA APHIS, or those pending export due to non-compliance with CDC regulations.

Further, the committee is concerned that that there is only one such animal care facility with CBP-bonded status capable of safely handling live animals throughout the duration of potential legally required quarantines. The Committee directs CBP to issue a report to Congress evaluating the necessity of additional facilities meeting similar standards of animal care at other ports of entry and to provide the Committee with an accounting of the resources necessary to establish such facilities in accordance with CBP, CDC, and USDA APHIS Animal Care’s recommendations within 90 days of the date of enactment of this Act.

II. Background

U.S. Customs and Border Protection (CBP) strives to prevent the introduction of foreign animal diseases and exotic pests into the United States. CBP works closely with DHS partners in enforcing trade and customs laws and regulations on behalf of 47 partner government agencies, including USDA APHIS and CDC. CBP is committed strongly to protecting human beings and animals, including dogs, from relevant health risks and to promoting humane and decent treatment of animals, including dogs.

Agriculture Programs and Trade Liaison is a directorate within the CBP Office of Field Operations that manages CBP's agriculture mission, including preventing the introduction of foreign animal diseases and exotic pests at U.S. ports of entry (POE). Situated in 186 POEs nationwide, CBP agriculture specialists enforce USDA regulations, conduct inspections, and mitigate the risk of entry of threats that are harmful to the United States' agriculture and natural resources.

Preventing and mitigating risks of entry of foreign animal diseases at U.S. POEs require close coordination and engagement between federal, state, tribal, and local governments. To address the committee's specific concerns related to live animals, this report focuses on dog import regulations and facility requirements for care and safe and humane handling of dogs at POEs. Given that dogs are potential carriers of pathogenic diseases, such as rabies, that can affect livestock and humans, USDA APHIS and CDC jointly administer the federal regulations on dog importation.

At POEs, CBP personnel visually inspect imported dogs and enforce the regulatory requirements of CDC and USDA APHIS. Imported dogs that do not comply with import requirements are safeguarded until admissibility can be determined or until the appropriate quarantine measures can be enforced, such as re-exportation of the dogs [42 Code of Federal Regulations (CFR) § 71.51(g)]. Under the guidance of CDC or USDA APHIS, safeguarding measures may include providing proper and humane care and separating sick or suspected infected dogs from other animals and humans. Live dogs awaiting admissibility are safeguarded at the carrier's (i.e., airline) holding facility. A dog excluded from the United States under 42 CFR § 71.51(g) shall be exported or destroyed. Pending exportation, the dog shall be detained at the owner's expense in the custody of the U.S. Customs Service at the U.S. port. CDC guidelines indicate that, in cases when the importer abandons the imported dog, all costs associated with housing, caring for, and re-exportation of dogs are the responsibility of the importer or airline carrier.¹

The Animal Welfare Act regulations authorized the Secretary of Agriculture to promulgate standards pertaining to the humane handling, treatment, and transportation of animals. Pursuant to this authority, immediate handlers and carriers are required to meet standards of care stipulated under 9 CFR Section 3. Carrier holding facilities are general commercial areas or

¹ CDC, "Notice of Extension and Modification of Temporary Suspension of Dogs Entering the United States from High-Risk Rabies Countries," *Federal Register*, Vol. 87, No. 105, CDC, June 1, 2022, p. 33158. <<https://www.federalregister.gov/d/2022-11752>>

warehouses that often are not capable of suitably providing for the storage of live animals; regrettably and sometimes tragically, many do not provide for housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, or adequate veterinary care necessary for humane handling and treatment of animals. Safeguarding live animals, including dogs, in unsafe environments may lead to unhealthy conditions, potential death of animals, and transmission of diseases to persons that come in contact with the animals.

CDC regulations stipulate that dogs arriving into the United States must appear healthy, be at least 6 months old, and be microchipped. Additionally, for dogs to be admissible into the United States, CDC requires that importers obtain a CDC dog import permit and a valid rabies vaccination certificate (RVC). Since July 14, 2021, CDC issued a temporary suspension on dog importation from countries with high incidents of the canine rabies virus variant (CRVV). Effective June 10, 2022, through January 31, 2023, dogs from CRVV high-risk countries with a valid CDC dog import permit and a U.S.-issued RVC must enter the United States at 1 of the 18 POEs where a CDC quarantine station is collocated. Dogs arriving from these high-risk countries with a foreign-issued RVC are permitted to enter the United States only through the John F. Kennedy International Airport (Queens, New York), Los Angeles International Airport (Los Angeles, California), Hartsfield-Jackson Atlanta International Airport (Atlanta, Georgia), Miami International Airport (Miami, Florida), or Washington Dulles International Airport (Dulles, Virginia), where CDC-approved animal care facilities are in proximity.

III. Work Plan

CBP, CDC, and USDA APHIS Animal Care have established a process for interested trade community entities with appropriate infrastructure to provide adequate and humane care for animals. The established process is as follows:

- Apply for license and certification as an immediate handler with USDA APHIS Animal Care,
- Acquire a customs custodian bond from CBP, and
- Notify CDC upon completing the above requirements.

When trade community entities convey interest to provide animal care facilities for live animal imports, they are directed to apply for a license to operate as an “intermediate handler” on the [USDA APHIS website](#). Once completed, the entities are advised to apply for a CBP “Type 2 – Continuous Custodian of Bonded Merchandise” bond within their desired port surrounding area. Acquiring a customs bond is accomplished via [CBP’s electronic bond \(“e-Bond”\) online portal system](#), which is managed by the CBP Office of Finance, Revenue Division. CBP assists and guides trade community entities in satisfying the bond requirements. Prior to July 2021, The Ark at JFK, located at John F. Kennedy International Airport, was the only established CDC-approved animal care facility. Continuous collaborative efforts between CBP, CDC, and USDA APHIS Animal Care have resulted in the expeditious approval of additional animal care facilities. Between July 2021 and September 2022, CDC added the following entities to its list of approved animal care facilities:

- Canine Country Club (Pet Limo), Miami International Airport, Miami, Florida;
- Dandie Scottie Kennel, Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia;
- Kennel Club LAX, Los Angeles International Airport, Los Angeles, California; and
- Pender Pet Retreat, Washington Dulles International Airport, Dulles, Virginia.

IV. Discussion

CDC’s temporary suspension of the importation of dogs from CRVV high-risk countries provided an added layer of control over the number of dogs imported to the United States from these CRVV high-risk countries. The suspension also has fostered partnerships with trade community entities to serve as intermediate handlers for live animal imports. Unfortunately, a critical need remains for additional CDC-approved animal care facilities in proximity to POEs nationwide. These facilities are important to promote an assortment of relevant goals, including proper and humane treatment. Despite the decrease in volume of international travel during the Coronavirus Disease 2019 (COVID-19) pandemic, the number of dogs imported into the United States from all countries (i.e., not only from CRVV high-risk countries) increased by 175 percent from Calendar Year (CY) 2019 to CY 2021. The table below quantifies commercial dog importations between CY 2018 and CY 2021.

Table 1				
Dogs Imported into the United States Between CYs 2018-2021				
CY	All Countries		CRVV High-Risk Countries	
	Entry Count	Quantity*	Entry Count	Quantity*
2018	9,562	25,232	3,193	9,981
2019	11,397	45,110	4,211	24,206
2020	14,376	58,540	3,835	16,756
2021	27,609	124,376	6,185	18,591

*Quantity means the number of dogs imported.

V. Conclusion

Preventing and mitigating risks of entry of foreign animal diseases and exotic pests are important aspects of border security that require a comprehensive and well-coordinated approach. Live dogs can be potential vectors of pathogenic diseases (e.g., rabies) that are of significant risk to the public and animals; thus, importation must adhere to the regulatory animal health and care guidance provided by CDC and USDA APHIS Animal Care. Proper and humane treatment of animals, including dogs, also are important priorities. At POEs, admissibility of imported live dogs requires streamlined coordination between these agencies and CBP. CBP will continue to leverage its partnership with CDC and USDA APHIS Animal Care to facilitate the development of new animal care facilities, and will seek opportunities to enhance the security, safe handling, humane treatment, and lawful import of live animals to the United States.

VI. Appendix – List of Abbreviations

Abbreviation	Definition
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
CDC	Centers for Disease Control and Prevention
CFR	Code of Federal Regulations
COVID-19	Coronavirus Disease 2019
CRVV	Canine Rabies Virus Variant
CY	Calendar Year
DHS	Department of Homeland Security
POE	Port of Entry
RVC	Rabies Vaccination Certificate
U.S.C.	United States Code
USDA	U.S. Department of Agriculture