Justification for Nonsubstantive Change to APHIS FORM 7002

USDA APHIS is proposing to change Section II. D. Euthanasia of APHIS Form 7002 to include the regulatory text that appears in 9 C.F.R. 1.1, which has been in place since 1989, instead of citing the American Veterinary Medical Association's (a third-party) recommendation. The following is the aforementioned text proposed to be added to Section II. D. Euthanasia of APHIS Form 7002 in lieu of "Euthanasia will be in accordance with the American Veterinary Medical Association (AVMA) recommendations":

"LICENSEES AND REGISTRANTS, IN CONSULTATION WITH THEIR ATTENDING VETERINARIANS, CAN USE METHODS OF EUTHANASIA THAT MEET THE DEFINITION OF EUTHANASIA IN THE ANIMAL WELFARE REGULATIONS, WHICH ALLOWS FOR THE USE OF HUMANE METHODS THAT EITHER:

- o PRODUCE RAPID UNCONSCIOUSNESS AND SUBSEQUENT DEATH WITHOUT EVIDENCE OF PAIN OR DISTRESS, OR
- o UTILIZE ANESTHESIA PRODUCED BY AN AGENT THAT CAUSES PAINLESS LOSS OF CONSCIOUSNESS AND SUBSEQUENT DEATH

APPROPRIATE METHODS MAY INCLUDE, BUT ARE NOT LIMITED TO, THOSE DESCRIBED IN THE "AVMA GUIDELINES FOR EUTHANASIA OF ANIMALS""

From a regulatory notice and enforcement perspective, it is more accurate to include the definition of euthanasia, rather than simply reference the AVMA's guidelines on euthanasia, since methods may meet the regulatory standard that are not included in the guidelines. The Secretary has been very clear that USDA should read its regulations narrowly and go no further than the text of the regulations, which is exactly what APHIS seeking to do here by relying on the definition of euthanasia rather than citing an outside, third-party publication.

The Program of Veterinary Care (APHIS Form 7002) is a critical part of APHIS' compliance program, especially for those who are applying for a license. APHIS' inability to make this form available while it is under review, is a hardship on our applicants and a risk to animal welfare. APHIS would like to proceed immediately with this de minimis change that reflects the express text of the regulation.