



COMPARABLE STANDARDS EVALUATION FOR FOREIGN FACILITIES IMPORTING MARINE MAMMALS FROM THE UNITED STATES

As mandated by the Marine Mammal Protection Act (MMPA)¹, foreign facilities importing marine mammals from the United States must comply with the following regulations and standards for these species under the Animal Welfare Act (AWA)², per the Code of Federal Regulations³:

Facilities: general, indoor, outdoor.	§ 3.101 , § 3.102 , § 3.103
Space requirements.	§ 3.104
Feeding.	§ 3.105
Water quality.	§ 3.106
Sanitation.	§ 3.107
Employees or attendants.	§ 3.108
Separation.	§ 3.109
Veterinary care.	§ 2.40 , § 3.110
Transportation.	§ 3.112-§3.118
Handling of animals.	§ 2.131
Contingency planning.	§ 2.134
Emergency water and power sources.	§ 3.101(b)

As per the 1998 memorandum of understanding (MOU) between the USDA-Animal and Plant Health Inspection Service (APHIS), NOAA-National Marine Fisheries Service (NOAA-NMFS) and the U.S. Fish and Wildlife Service (USFWS) that outlines the roles of each agency in their collaborative mission of enforcing the MMPA, APHIS has designated authority to conduct the evaluation of foreign facilities to ensure they are comparable with the above regulations and standards for marine mammals under the AWA.

Additional information and documentation may be required by NOAA-NMFS and/or USFWS, depending on species of marine mammals involved. This information may include verification of public access to the facility, documentation on the educational program(s) provided, inventory data needed, and CITES permit requirements. Please contact [NOAA-NMFS](#) and/or [USFWS](#) directly for their requirements.

¹ [16 USC, Chapter 31](#)

² [7 USC, Chapter 54](#)

³ [9 CFR, Chapter 1, Subchapter A](#)

DOCUMENTATION REQUIRED BY APHIS:

1. Supply diagrams of **all** marine mammal enclosures with measurements. The measurements must include: pool dimensions (length, width, depth, diameter, etc.) including depth variations and any underwater or surface obstacles such as islands and platforms (be sure to show measure for narrowest part of all pools; for indoor facilities, include airspace above the pools; dry resting area measurements; for outdoor enclosures, provide description of measures taken to provide protection from elements (shade, temperature extremes, etc.). All pools for **all** marine mammals, including medical and isolation pools must be included.
2. Inventory of **all** marine mammals, identifying each enclosure inventory with respect to species and sex. Designate what marine mammals are currently held and what marine mammals are being requested to be imported. Identify the proposed housing location for the requested animals.
3. Provide protocols for feeding, food handling, method of food storage once thawed, and sanitation of kitchen facilities, utensils and food buckets. Include protocols for enclosure cleaning, maintaining adequate water quality and verify that there is an ongoing maintenance program for the facility.
4. Provide a written contingency plan, including description of emergency plans in case of loss of power and/or water, provisions for animal movement and care in the event of a natural disaster, and back-up systems.
5. Provide resumes/curricula vitae for all employees responsible for or involved in caring for the marine mammals. Designate which personnel are animal care staff, trainers, curators, veterinary staff, etc.
6. Provide a description of water quality monitoring protocols, including testing schedules for coliforms (and any other microbes), pH, chlorine (if used), salinity, and any chemical added to the water. Provide protocols for dealing with high bacterial counts.
7. Provide justification for any marine mammal not housed with other (conspecific) animals, including attempts to locate a companion and plans for increased keeper interactions, if indicated.
8. Describe your program of veterinary care. Provide assurance that individual animal records are kept. Outline frequency and protocol for examinations. Describe necropsy protocols.
9. Describe materials used in pool construction (sealing materials, paints, etc.), dry resting areas, holding pens, etc. Pictures of the enclosures, including fencing, doors, etc., would be very helpful, and strongly recommended.

10. Indicate perimeter and barrier fencing present, including placement and height. A perimeter fence (this means around the entire facility) is required if there are outdoor enclosures. Barrier fencing is required to keep the public away from direct contact with the animals.
11. Provide detailed description of transportation arrangements, including enclosures, mode of transport, attendants, duration of transport (including pool to pool time), include all stops/layovers, etc. Verify that Health certificates will be issued by the US attending veterinarian, and that copies of the medical records will accompany the animal to the importing facility. Certify that there is adequate lighting in the transport vehicle(s). All transports over 2 hours in duration need a written transport plan. All marine mammal transports require experienced and knowledgeable attendants that have access to the animals throughout the transport.
12. Describe and provide examples of medical, feeding, behavioral, and water quality records for the most recent week leading up to the submission of the comparability package.

In accordance with a request from NOAA-NMFS, the following information is also required:

13. Inventory information and necropsy reports on any marine mammal which has died at the facility within the previous five years.

Additional documentation required:

14. A letter from the appropriate government official/department (this means the office that has authority over the facility license and inspection) certifying that all submitted information is accurate.

Once a final determination has been made, a letter will be sent to the requesting facility, and a copy will be sent to NOAA and/or USFWS. The approval letter will be valid for one year following issuance.

In addition to footnote 3 on page 1, AWA regulations and standards can be found on our website: [Animal Welfare Act and Animal Welfare Regulations \(usda.gov\)](https://www.usda.gov/animal-welfare)
The sections specific to marine mammals are §§ 3.100-3.118. Also, of importance are § 2.40 (Attending Veterinarian), § 2.131 (Handling) and § 2.134 (Contingency Planning).

In rare circumstances, inspection of a foreign facility by APHIS personnel, at the expense of the importer and/or exporter, may be an option for verifying comparable standards. For information on this option and its costs, please contact APHIS at AC.NPS@usda.gov.

Please submit document package to National Policy Staff at USDA, APHIS, Animal Care via email at AC.NPS@usda.gov.