

**From:** e-Dear Colleague  
**Sent:** Friday, April 01, 2011 6:10 PM  
**To:** [E-DEARCOLL\\_ISSUES\\_A-F\\_0000@ls2.house.gov](mailto:E-DEARCOLL_ISSUES_A-F_0000@ls2.house.gov)  
**Subject:** Agriculture, Appropriations: Dear Colleague: Animal Welfare Enforcement

## Animal Welfare Enforcement

**From:** The Honorable Christopher H. Smith  
**Sent By:** [David.Kush@mail.house.gov](mailto:David.Kush@mail.house.gov)  
**Date:** 4/1/2011

Dear Colleague:

Recognizing the imperative of reducing federal spending, we believe careful decision making can achieve macro-level cuts while providing proper funding levels for specific accounts that are vitally needed to implement key animal welfare laws.

Congress has charged the U.S. Department of Agriculture (USDA) with enforcing the Animal Welfare Act, the Horse Protection Act, and the Humane Methods of Slaughter Act -- laws that require basic protections for millions of animals at more than 18,000 sites across the country, including slaughterhouses, medical laboratories, zoos, and commercial breeding facilities commonly known as puppy mills. However, these laws are only as effective as the USDA's enforcement of them.

As these issues impact not only animal welfare but also food safety, bioterrorism, higher education, and other related concerns, Congress has responded in recent years by providing adequate resources to address the serious budget shortfalls for enforcement of these laws. We hope you will join us in signing the attached letter to House Agriculture Appropriations Chairman Jack Kingston and Ranking Member Sam Farr requesting that they continue this worthwhile effort. We should ensure that the Department of Agriculture has the resources it needs to enforce these laws as the public expects. Last year, 131 Representatives signed onto a similar letter to the appropriators or included these items among their individual requests.

To sign onto the attached letter, please notify David Kush with Representative Chris Smith at 5-3765 or Tyler Frisbee with Representative Earl Blumenauer at 5-4811 by April 11.

Sincerely,

/S  
\_\_\_\_\_  
Christopher Smith  
**Member of Congress**

/S  
\_\_\_\_\_  
Earl Blumenauer  
**Member of Congress**

**The following 131 Members signed onto a similar letter or sent their own parallel requests last year:**

Andrews, Robert; Baldwin, Tammy; Berkley, Shelley; Berman, Howard; Biggert, Judy; Blumenauer, Earl; Bono Mack, Mary; Bordallo, Madeleine; Brady, Robert; Brown, Corrine; Brown, Henry; Buchanan, Vern; Capps, Lois; Capuano, Michael; Carnahan, Russ; Castle, Michael; Chu, Judy; Clarke, Yvette; Clay, Wm. Lacy; Cleaver, Emanuel; Cohen, Steve; Connolly, Gerry; Conyers, John; Courtney, Joe; Crowley, Joseph; Cummings, Elijah; Davis, Danny; Davis, Susan; DeFazio, Peter; DeGette, Diana; Dicks, Norm; Doyle, Mike; Ellison, Keith; Engel, Eliot; Eshoo, Anna; Farr, Sam; Filner, Bob; Frank, Barney; Gerlach, Jim; Grijalva, Raúl; Gutierrez, Luis; Hall, John; Hare, Phil; Hastings, Alcee; Hirono, Mazie K.; Holt, Rush; Honda, Michael; Inslee, Jay; Israel, Steve; Johnson, Eddie Bernice; Johnson, Hank; Kennedy, Patrick; Kildee, Dale; Kilroy, Mary Jo; King, Peter; Klein, Ron; Kucinich, Dennis; Lance, Leonard; Langevin, James; Lee, Barbara; Levin, Sander; Lewis, John; Lipinski, Dan; LoBiondo, Frank; Loeb sack, Dave; Lofgren, Zoe; Lowey, Nita; Lynch, Stephen; Maloney, Carolyn; Markey, Edward; Matsui, Doris; McCarthy, Carolyn; McGovern, Jim; McNerney, Jerry; Michaud, Michael; Miller, Brad; Miller, George; Moore, Dennis; Moore, Gwen; Moran, Jim; Murphy, Chris; Murphy, Patrick; Nadler, Jerrold; Neal, Richard; Owens, William; Pascrell, Bill; Paulsen, Erik; Payne, Donald; Peters, Gary; Pingree, Chellie; Polis, Jared; Price, David; Rahall, Nick; Reichert, Dave; Richardson, Laura; Ross, Mike; Rothman, Steven; Ruppertsberger, C.A. "Dutch"; Sanchez, Linda; Sarbanes, John; Schakowsky, Jan; Schrader, Kurt; Sestak, Joe; Shea-Porter, Carol; Sherman, Brad; Smith, Adam; Smith, Christopher; Snyder, Vic; Speier, Jackie; Stark, Pete; Sutton, Betty; Tierney, John; Titus, Dina; Tonko, Paul; Towns, Ed; Tsongas, Niki; Van Hollen, Chris; Velázquez, Nydia; Walz, Tim; Wasserman Schultz, Debbie; Waxman, Henry; Weiner, Anthony; Welch, Peter; Whitfield, Ed; Woolsey, Lynn; Wu, David; Yarmuth, John

April 14, 2011

Chairman Jack Kingston  
Subcommittee on Agriculture, Rural  
Development, FDA, & Related Agencies  
2362-A Rayburn Building  
Washington, DC 20515

Ranking Member Sam Farr  
Subcommittee on Agriculture, Rural  
Development, FDA, & Related Agencies  
1016 Longworth Building  
Washington, DC 20515

Dear Chairman Kingston and Ranking Member Farr:

At this time of intense budget pressure, we are writing to thank you for your outstanding past support for enforcement of key U.S. Department of Agriculture animal welfare laws and urge you to sustain this effort in Fiscal Year 2012. Your leadership is making a difference in helping to protect the welfare of millions of animals across the country. As you know, better enforcement also benefits people by decreasing: 1) food safety risks to consumers from sick animals who can transmit illness, and injuries to slaughterhouse workers from suffering animals; 2) orchestrated dogfights and cockfights that often involve illegal gambling, drug trafficking, and human violence, and can contribute to the spread of costly illnesses such as bird flu; 3) sale of unhealthy pets by commercial breeders, commonly referred to as "puppy mills"; 4) laboratory conditions that may impair the scientific integrity of animal based research; 5) risks of disease transmission from, and dangerous encounters with, wild animals in public exhibition; and 6) injuries and deaths of pets on commercial airline flights due to mishandling and exposure to adverse environmental conditions. In order to continue the important work made possible by the Committee's prior support, we request the following for FY 2012:

## **Food Safety and Inspection Service / Humane Methods of Slaughter Act (HMSA) Enforcement**

**We request language to ensure strengthened HMSA enforcement.** We greatly appreciated the committee's inclusion of \$2 million in FY 2009 to address severe shortfalls in USDA oversight of humane handling rules for animals at slaughter facilities, oversight that is important not only for animal welfare but also for food safety. Effective day-to-day enforcement can prevent abuses like those that have previously been documented in undercover investigations, and associated food safety risks and costly recalls of meat and egg products. While the agency has begun to take steps to strengthen its HMSA enforcement, it is imperative that these funds be used in the most effective way possible. We understand that nearly all of the \$2 million was used to hire 23 new inspectors whose responsibilities are not focused on humane handling. We therefore urge inclusion of language directing FSIS to ensure that these 23 inspectors focus their attention on overseeing compliance with humane handling rules for live animals as they arrive and are offloaded and handled in pens, chutes, and stunning areas.

## **APHIS / Animal Welfare Act (AWA) Enforcement**

**We request that you support \$28,587,000 for AWA enforcement under the Animal and Plant Health Inspection Service (APHIS).** We commend the Committee for responding in recent years to the urgent need for increased funding for the Animal Care division to improve its inspections of approximately 12,000 sites, including commercial breeding facilities, laboratories, zoos, circuses, and airlines, to ensure compliance with AWA standards. In May 2010, USDA's Office of Inspector General released a report criticizing the agency's history of lax oversight of dog breeders – finding that inhumane treatment and horrible conditions often failed to be properly documented and yielded little to no enforcement actions – prompting Agriculture Secretary Vilsack to call for more inspections and a tougher stance on repeat offenders. USDA is also moving forward on regulations to implement a new responsibility created by Congress in 2008 – enforcing a ban on imports from foreign puppy mills where puppies are mass produced under inhumane conditions and forced to endure harsh long-distance transport. Animal Care currently has 130 inspectors (with 9 vacancies), compared to 64 inspectors at the end of the 1990s. An appropriation at the requested level would allow the agency to continue to address the concerns identified by the OIG, enforce the new puppy import ban, and provide adequate oversight of the many licensed/registered facilities.

## **APHIS / Horse Protection Act (HPA) Enforcement**

**We request that you support \$900,000 for strengthened enforcement of the Horse Protection Act.** Congress enacted the HPA in 1970 to make illegal the abusive practice of "soring," in which unscrupulous trainers use a variety of methods to inflict pain on sensitive areas of Tennessee Walking Horses' hooves and legs to exaggerate their high-stepping gait and gain unfair competitive advantage at horse shows. For example, caustic chemicals – such as mustard oil, diesel fuel, and kerosene – are painted on the lower front legs of a horse, then the legs are wrapped for days in plastic wrap and tight bandages to "cook" the chemicals deep into the horse's flesh, and then heavy chains are attached to slide up and down the horse's sore legs. Additional tactics include inserting foreign objects such as metal screws or acrylic between a heavy stacked shoe and the horse's hoof; pressure shoeing – cutting a horse's hoof down to the sensitive live tissue to cause extreme pain every time the horse bears weight on the hoof; and applying painful chemicals such as salicylic acid to slough off scarred tissue, in an attempt to disguise the sores. Though soring has been illegal for 40 years, this cruel practice continues unabated by the well-intentioned but seriously understaffed APHIS inspection program and the inherent conflicts of interest in the industry self-policing system established to supplement federal enforcement. A report released in October 2010 by USDA's Office of Inspector General documents

these problems and calls for increased funding to enable the agency to more adequately oversee the law. Several horse show industry groups, animal protection groups, and the key organization of equine veterinarians have also called for funding increases to enable USDA to do a better job enforcing this law. To meet the goal of the HPA, Animal Care inspectors must be present at more shows. Exhibitors who sore their horses go to great lengths to avoid detection, even fleeing a show when USDA inspectors arrive. With current funding, Animal Care is able to attend only about 6% of the more than 500 Tennessee Walking Horse shows held annually. An appropriation at the requested level will help provide for additional inspectors, training, security (to address threats of violence against inspectors), and advanced detection equipment (thermography and gas chromatography/mass spectrometry machines).

### **APHIS / Investigative and Enforcement Services**

**We request that you support \$17,275,000 for APHIS Investigative and Enforcement Services (IES).** We appreciate the Committee's consistent support for this division, which handles many important responsibilities, including the investigation of alleged violations of federal animal welfare laws and the initiation of appropriate enforcement actions. The volume of animal welfare cases is rising significantly, and an appropriation at the requested level would enable the agency to keep pace with the additional enforcement workload.

### **Office of Inspector General / Animal Fighting Enforcement**

**We request that you support \$90,700,000 for the Office of Inspector General (OIG) to maintain staff, improve effectiveness, and allow investigations in various areas, including enforcement of animal fighting laws.** We appreciate the Committee's inclusion of funding and language in recent years for USDA's OIG to focus on animal fighting cases. Congress first prohibited most interstate and foreign commerce of animals for fighting in 1976, tightened loopholes in the law in 2002, established felony penalties in 2007, and further strengthened the law as part of the 2008 Farm Bill. We are pleased that USDA is taking seriously its responsibility to enforce this law, working with state and local agencies to complement their efforts and address these barbaric practices, in which animals are drugged to heighten their aggression and forced to keep fighting even after they've suffered grievous injuries. Dogs bred and trained to fight endanger public safety, and some dogfighters steal pets to use as bait for training their dogs. Cockfighting was linked to an outbreak of Exotic Newcastle Disease in 2002-2003 that cost taxpayers more than \$200 million to contain. It's also been linked to the death of a number of people in Asia reportedly exposed through cockfighting activity to bird flu. Given the potential for further costly disease transmission, as well as the animal cruelty involved, we believe it is a sound investment for the federal government to increase its efforts to combat illegal animal fighting activity. We also support the OIG's auditing and investigative work to improve compliance with the Animal Welfare Act, the Horse Protection Act, and the Humane Methods of Slaughter Act and downed animal rules.

### **National Institute of Food and Agriculture / Veterinary Student Loan Forgiveness**

**We request that you support \$4,800,000 to continue the implementation of the National Veterinary Medical Service Act (P.L. 108-161).** This program received \$2,950,000 in FY 2009, \$4,800,000 in FY 2010, and was projected to need \$5,000,000 in its third year under the CBO score accompanying authorization. We appreciate that Congress is working to address the critical shortage of veterinarians practicing in rural and inner-city areas, as well as in government positions at FSIS and APHIS. A 2009 Government Accountability Office report enumerating the challenges facing

veterinary medicine identified that an inadequate number of veterinarians to meet national needs is among the foremost challenges. A 2006 study demonstrated the acute and worsening shortage of veterinarians working in rural farm animal practice, while domestic pets in both rural and urban areas are often left without necessary medical care. Having adequate veterinary care is a core animal welfare concern. To ensure adequate oversight of humane handling and food safety rules, FSIS must be able to fill vacancies in inspector positions. Veterinarians also support our nation's defense against bioterrorism (the Centers for Disease Control estimates that 75% of potential bioterrorism agents are zoonotic - transmitted from animals to humans). They are also on the front lines addressing public health problems such as those associated with pet overpopulation, parasites, rabies, chronic wasting disease, and bovine spongiform encephalopathy ("mad cow" disease). Veterinary school graduates face a crushing debt burden of \$134,000 on average, with an average starting salary of \$68,000. For those who choose employment in underserved rural or inner-city areas or public health practice, the National Veterinary Medical Service Act authorizes the Secretary of Agriculture to forgive student debt. It also authorizes financial assistance for those who provide services during federal emergency situations such as disease outbreaks.

### **APHIS / Emergency Management Systems / Disaster Planning for Animals**

**We request that you support \$1,017,000 for Animal Care under APHIS' Emergency Management Systems line item.** Hurricanes Katrina and Rita demonstrated that many people refuse to evacuate if they are forced to leave their pets behind. The Animal Care division develops infrastructure to help prepare for and respond to animal issues in a disaster and incorporate lessons learned from previous disasters. These funds are used for staff time and resources to support state and local governments' and humane organizations' efforts to plan for protection of people with animals, and to enable the agency to participate, in partnership with FEMA, in the National Response Plan without jeopardizing other Animal Care programs.

Thank you for your consideration of these requests. We will be grateful for your leadership in ensuring that funds necessary to protect both animals and people will continue to be available.

Sincerely,

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Christopher Smith  
Member of Congress

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Earl Blumenauer  
Member of Congress

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