

April 17, 2009

***Attention: Animal Welfare LA / Agriculture LA***

Dear Colleague:

Congress has charged the United States Department of Agriculture (USDA) with enforcing the Animal Welfare Act (AWA) and the Humane Methods of Slaughter Act (HMSA), which are laws that require basic protections for millions of animals at more than 22,000 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 USDA's ability to enforce them.

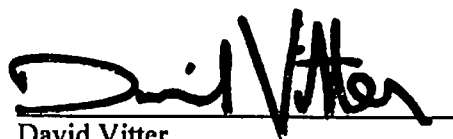
We are pleased that Congress has responded in recent years by providing increased resources to address serious budget shortfalls for enforcement of these laws. We hope you will join us in signing the attached letter to the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee requesting that they continue this worthwhile endeavor. It is important that we ensure that the USDA has the resources it needs to enforce these laws as the public expects.

If you wish to sign the attached letter, please notify Matt Koranda in Senator Levin's office at 4-6221 or Chris Stanley in Senator Vitter's office at 4-4623 by April 30<sup>th</sup>.

Sincerely,



Carl Levin



David Vitter

May 1, 2009

The Honorable Herb Kohl, Chairman  
The Honorable Sam Brownback, Ranking Member  
Appropriations Subcommittee on Agriculture,  
Rural Development, FDA, and Related Agencies  
188 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Kohl and Ranking Member Brownback:

We are writing to thank you for your outstanding support during recent years for improved enforcement by the U.S. Department of Agriculture of key animal welfare laws and to urge you to sustain this effort in Fiscal Year 2010. Your leadership is making a great difference in helping to protect the welfare of millions of animals across the country. As you know, better enforcement will also benefit people by helping to prevent: 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) the 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 or during 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 2010:

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

**We request funding and language to ensure strengthened HMSA enforcement.** We greatly appreciated the committee's inclusion of a \$2 million increase in FY 2009 to begin to address severe shortfalls in the agency's oversight of humane handling rules for animals at slaughter facilities, oversight that is important not only for animal welfare but also for food safety. This problem came sharply into focus last year when an undercover investigation revealed disturbing abuse of non-ambulatory livestock whose products were supplied to the National School Lunch Program, and led to the nation's largest meat recall in history, as well as congressional hearings by this committee and others. In that case, the blatant and recurrent violations of food safety and humane rules were not reported by 5 USDA inspection personnel at the plant. Subsequent undercover investigations showed the mistreatment was not an isolated case, and a USDA Inspector General's audit identified several serious continuing weaknesses in the inspection regime. We request funding and language to ensure that inspectors are continually observing live animals as they arrive and are offloaded and handled in pens, chutes, and stunning areas, and that USDA officials are taking strong action to avert violations of the Humane Methods of Slaughter Act and the ban on slaughter of cattle too sick or injured to stand and walk. We strongly urge the Committee to make this a high priority by providing the necessary funding for USDA to better protect consumers and animals from future violations.

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

**We request \$22,275,270 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 almost 16,000 sites, including commercial breeding facilities, laboratories, zoos, circuses, and airlines, to ensure compliance with AWA standards. As part of the 2008 Farm Bill, Congress established a new responsibility for this division – to enforce a ban on imports from foreign puppy mills where puppies are mass produced under inhumane conditions and then forced to endure harsh long-distance transport, so that many arrive ill or dead or die soon after being sold to an American family. Animal Care currently has 111 inspectors (with 5 vacancies in the process of being filled), compared to 64 inspectors at the end of the 1990s. An appropriation at the requested level would maintain FY09 funding with a modest increase to cover pay costs and additional responsibilities associated with the new import ban and the increasing number of licensed/registered facilities.

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

**We request \$14,036,350 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 as new facilities become licensed and registered. An appropriation at the requested level would maintain FY09 funding with a modest increase to cover pay costs.**

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

**We request \$87,910,150 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, in the wake of the high-profile Michael Vick dogfighting case. We are pleased that USDA is working with state and local agencies to enforce this law 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 humane slaughter law and downed animal rules and the Horse Protection Act.**

### **Cooperative State Research, Education, and Extension Service / Veterinary Student Loan Forgiveness**

**We request \$5,000,000 to continue the implementation of the National Veterinary Medical Service Act (P.L. 108-161), specifically authorized in 2003. This program received \$2,950,000 in FY 2009, 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, and that this program received \$2,950,000 in FY 2009, \$869,000 in FY 2008, and \$500,000 in each of FY 2007 and FY 2006. 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 estimate that 75% of potential bioterrorism agents are zoonotic - transmitted from animals to human). 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 \$120,000 on average, with an average starting salary of \$61,000. 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 \$1,001,000 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 has been asked to develop infrastructure to help prepare for and respond to animal issues in a disaster and incorporate lessons learned from previous disasters. These funds will be used for staff time and resources to support state and local governments' and humane organizations' efforts to plan for protection of people with animals. The additional resources will 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 are grateful for your leadership in allocating critical funding to protect both animals and human health.

Sincerely,

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Carl Levin

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David Vitter