

United States Senate
WASHINGTON, DC 20510

March 5, 2010

Attention: Animal Welfare LA / Agriculture LA

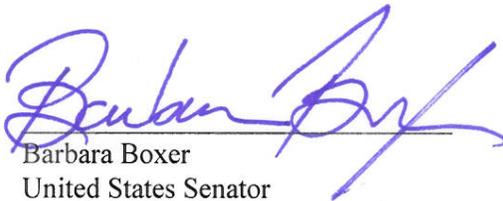
Dear Colleague:

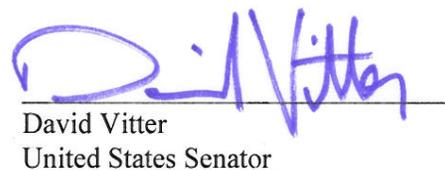
Congress has charged the United States Department of Agriculture (USDA) with enforcing the Animal Welfare Act (AWA), the Horse Protection Act (HPA), and the Humane Methods of Slaughter Act (HMSA.) These are laws that require basic protections for millions of animals at more than 18,000 sites across the country. Slaughterhouses, medical laboratories, zoos, and commercial breeding facilities – commonly known as puppy mills – all fall under USDA's oversight. However, these laws are only as effective as the resources available to enforce them.

We are pleased that Congress has responded in recent years by providing increased funding to strengthen enforcement of animal welfare 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 Americans expect.

If you wish to sign the attached letter, please contact Joaquin Esquivel in Senator Boxer's office at 4-3553 or Chris Stanley in Senator Vitter's office at 4-4623 by March 23rd.

Sincerely,


Barbara Boxer
United States Senator


David Vitter
United States Senator

March 26, 2010

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

The Honorable Sam Brownback, Ranking Member
Appropriations Subcommittee on Agriculture,
Rural Development, FDA, and Related Agencies
190 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 for improved enforcement of key animal welfare laws by the U.S. Department of Agriculture. We also urge you to sustain this effort in Fiscal Year 2011. Your leadership is making a difference, helping to protect the welfare of millions of animals across the country and upholding the values of the American public.

As you know, better enforcement also directly benefits American citizens by : 1) decreasing food safety risks to consumers from sick animals who can transmit illness, and injuries to slaughterhouse workers from suffering animals; 2) dismantling orchestrated dogfights and cockfights that often involve illegal gambling, drug trafficking, human violence, and can contribute to the spread of costly illnesses such as bird flu; 3) preventing the sale of unhealthy pets from unlawful commercial breeders, commonly referred to as "puppy mills"; 4) improving laboratory conditions that may otherwise impair the scientific integrity of animal-based research; 5) reducing risks of disease transmission from, and dangerous encounters with, wild animals in or during public exhibition; and 6) minimizing injury, loss, and death 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 2011:

Food Safety and Inspection Service (FSIS) / Humane Methods of Slaughter Act (HMSA) Enforcement:

We request that \$2,000,000 of the FSIS' Humane Animal Tracking funding be directed to hire a mobile review team to focus on strengthening 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. The USDA's oversight is vitally important not only for animal welfare but also for food safety. While the agency has taken steps on this front, serious problems remain.

For example, video taken by a non-profit organization in a 2009 undercover investigation revealed unnecessary atrocities. These included repeated electric shocks, kicking, skinning alive, and cutting off of hooves and partial decapitation of conscious baby calves. The footage also revealed a USDA inspector showing callous disregard for this blatant cruelty. While that inspector has since been fired, it highlighted remaining weaknesses in the inspection regime. Thus, we request that \$2 million be allocated out of the \$3 million in Humane Animal Tracking (HAT) funding for the purpose of hiring and training a mobile review team to conduct unscheduled audits and undercover surveillance. The team would focus on assessing compliance with humane handling rules of live animals as they arrive, are offloaded, and handled in pens, chutes, and stunning areas.

Animal and Plant Health Inspection Service (APHIS) / Animal Welfare Act (AWA) Enforcement:

We request that you support the President's request of \$22,333,000 for AWA enforcement under APHIS. We commend the Committee for responding in recent years to the urgent need for increased funding for the Animal Care division. The funding has helped improve inspections by Animal Care of more than 12,000 sites, including commercial breeding facilities, laboratories, zoos, circuses, and airlines, to ensure compliance with AWA standards.

Under the 2008 Farm Bill, Congress also 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

forced to endure harsh long-distance transport. Animal Care currently has 115 inspectors (with 2 vacancies to be filled), compared to 64 inspectors at the end of the 1990s.

An appropriation at the requested level would maintain FY10 funding with a modest increase to cover pay costs and help ensure that the agency can provide adequate oversight of the increasing number of licensed/registered facilities.

APHIS / Horse Protection Act (HPA) Enforcement:

We request that you support the President's request of \$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. Though soring has been illegal for 40 years, this cruel practice continues unabated by the well-intentioned but seriously understaffed APHIS inspection program.

Several horse show industry groups, animal protection groups, and the American Association of Equine Practitioners have all called for funding increases to enable the 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 shows 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.

APHIS / Investigative and Enforcement Services:

We request that you support the President's request of \$14,213,000 for APHIS Investigative and Enforcement Services (IES). We appreciate the Committee's consistent support for this division. IES 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 that you support the President's request of \$90,000,000 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. Its work with state and local agencies to 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, is commendable.

Dogs bred and trained to fight endanger public safety, and some dogfighters even steal pets to use as bait for training their dogs. Also, in 2002-2003 cockfighting was linked to an outbreak of Exotic Newcastle

Disease that cost taxpayers more than \$200 million to contain. Cockfighting has further been linked to the death of a number of people in Asia reportedly exposed 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, downed animal rules, and the Horse Protection Act.

National Institute of Food and Agriculture / Veterinary Student Loan Forgiveness:

We request that you support the President's request of \$5,000,000 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 an acute and worsening shortage of veterinarians working in rural farm animal practice. Domestic pets in both rural and urban areas are also 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 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 human. Veterinarians 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 \$130,000 on average, with an average starting salary of \$65,000. 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 the President's request of \$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 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. Funds are used for staff time and resources to support the efforts of state, county and local governments and humane organizations to plan for protection of people with animals. They also 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,

Barbara Boxer
United States Senator

David Vitter
United States Senator