

# Animal Welfare Enforcement

**From: The Honorable Christopher H. Smith**

**Sent By: [steven.valentine@mail.house.gov](mailto:steven.valentine@mail.house.gov)**

**Date: 3/19/2014**

Dear Colleague:

Recognizing the interest in reducing federal spending, we believe careful decision making can yield savings 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 16,000 sites across the country, including commercial breeding facilities commonly known as puppy mills, medical laboratories, zoos, and slaughterhouses. 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 Robert Aderholt 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, 164 Representatives and 34 Senators signed onto a similar letter to the appropriators or included these items among their individual requests.

To sign onto the attached letter, please notify Steven Valentine with Representative Chris Smith at [Steven.Valentine@mail.house.gov](mailto:Steven.Valentine@mail.house.gov) / 5-3765 or Stephanie Phillips with Representative Earl Blumenauer at [Stephanie.Phillips@mail.house.gov](mailto:Stephanie.Phillips@mail.house.gov) / 5-4811 by COB March 27th.

Sincerely,

Christopher Smith  
Member of Congress

Earl Blumenauer  
Member of Congress

**The following 164 Members signed onto a similar letter or sent their own parallel requests last year:**

Andrews, Robert E.; Bass, Karen; Beatty, Joyce; Bera, Ami; Blumenauer, Earl; Bonamici, Suzanne; Bordallo, Madeleine; Brady, Robert; Braley, Bruce; Brown, Corrine; Brownley, Julia; Buchanan, Vern; Bustos, Cheri; Capps, Lois; Capuano, Michael; Cárdenas, Tony; Carson, André; Cartwright, Matt; Castor, Kathy; Castor, Joaquin; Chu, Judy; Cicilline, David; Clarke, Yvette; Clay, William Lacy; Cleaver III, Emanuel; Coffman, Mike; Cohen, Steve; Connolly, Gerry; Conyers, Jr., John; Courtney, Joe; Crowley, Joe; Cummings, Elijah E.; Davis, Susan A.; Davis, Danny K.; DeFazio, Peter; DeGette, Diana; DeLauro, Rosa; DelBene, Suzan; Deutch, Ted; Doggett, Lloyd; Doyle, Mike; Duckworth, Tammy; Edwards, Donna; Ellison, Keith; Engel, Eliot; Eshoo, Anna; Etsy, Elizabeth; Faleomavaega, Eni; Fitzpatrick, Mike; Foster, Bill; Frankel, Lois; Gabbard, Tulsi; Garcia, Joe; Gerlach, Jim; Gibson, Chris; Grijalva, Raúl; Grimm, Michael; Grisham, Michelle Lujan; Gutierrez, Luis; Hahn, Janice; Hanabusa, Colleen; Hanna, Richard; Hastings, Alcee; Heck, Denny; Himes, Jim; Holt, Rush; Honda, Mike; Huffman, Jared; Israel, Steve; Jackson Lee, Sheila; Johnson, Hank; Johnson, Eddie Bernice; Jones, Walter B.; Keating, William R.; Kildee, Dan; Kilmer, Derek; King, Peter; Kuster, Ann McLane; Lance, Leonard; Langevin, James; Lee, Barbara; Levin, Sander; Lewis, John; Lipinski, Dan; LoBiondo, Frank A.; Loeb sack, Dave; Lofgren, Zoe; Lowenthal, Alan; Luján, Ben Ray; Lynch, Stephen; Maloney, Carolyn; Maloney, Sean Patrick; Marino, Tom; Markey, Ed; Matsui, Doris O.; McCarthy, Carolyn; McCollum, Betty; McDermott, Jim; McGovern, Jim; McIntyre, Mike; McNerny, Jerry; Meeks, Gregory W.; Meng, Grace; Miller, Gary; Miller, George; Moore, Gwen; Moran, Jim; Nadler, Jerrold; Napolitano, Grace; Neal, Richard; Norton, Eleanor Holmes; O'Rourke, Beto; Pacrell, Jr., Bill; Pallone, Jr., Frank; Payne, Jr., Donald; Perlmutter, Ed; Peters, Gary; Pingree, Chellie; Pocan, Mark; Polis, Jared; Porter, Carol Shea; Price, David; Quigley, Mike; Rangel, Charles; Reichert, Dave; Richmond, Cedric; Roybal-Allard, Lucille; Runyan, Jon; Ruppertsberger, C.A. Dutch; Sánchez, Linda T.; Sanchez, Loretta; Sarbanes, John; Schakowsky, Janice; Schiff, Adam; Schock, Aaron; Schrader, Kurt; Schwartz, Allyson; Scott, David; Sewell, Terri; Sherman, Brad; Sinema, Krysten; Sires, Albio; Slaughter, Louise; Smith, Christopher; Smith, Adam; Speier, Jackie; Swalwell, Eric; Takano, Mark; Thompson, Mike; Tierney, John; Titus, Dina; Tonko, Paul; Tsongas, Niki; Van Hollen, Chris; Vargus, Juan; Veasey, Marc; Vela, Filemon; Walz, Tim; Wasserman Schultz, Debbie; Waxman, Henry; Welch, Peter; Whitfield, Ed; Wilson, Frederica; Yarmuth, John.

March 31, 2014

Chairman Robert Aderholt  
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 Aderholt and Ranking Member Farr:

As you meet to consider FY 2015 appropriations, 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 2015. 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) sale of unhealthy pets by commercial breeders, commonly referred to as "puppy mills;" 2) laboratory conditions that may impair the scientific integrity of animal based research; 3) risks of disease transmission from, and dangerous encounters with, wild animals in public exhibition; 4) injuries and deaths of pets on commercial airline flights due to mishandling and exposure to adverse environmental conditions; 5) food safety risks to consumers from sick animals who can transmit illness; 6) injuries to slaughterhouse workers from suffering animals; and 7) 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. In order to continue the important work made possible by the Committee's prior support, we request the following for FY 2015:

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

**We request that you support level funding of \$28,010,000 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 to properly fund the Animal Care division to improve its inspections of approximately 10,433 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. While Agriculture Secretary Vilsack called for more inspections and a tougher stance on repeat offenders, the agency must have the resources to follow through on that commitment. USDA is also implementing new regulations to cover large-scale commercial dog breeders selling puppies directly to the public via the Internet and other means, and will be implementing a ban on imports from foreign puppy mills where puppies are mass produced under inhumane conditions and forced to endure harsh long-distance transport. These new regulations will potentially double the number of puppy mills and dog dealers that will be regulated nationwide. Animal Care currently has 126 inspectors (with 12 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 rule on direct sales and the puppy import ban, and provide adequate oversight of the many licensed/registered facilities.

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

**We request that you support level funding of \$697,000 for strengthened enforcement of the Horse Protection Act (HPA).** Congress enacted the HPA in 1970 to make illegal the abusive practice of “soring,” in which unscrupulous trainers deliberately inflict pain on Tennessee Walking Horses’ hooves and legs to exaggerate their high-stepping gait and gain unfair competitive advantage at horse shows (e.g., applying caustic chemicals, using plastic wrap and tight bandages to “cook” those chemicals deep into the horse’s flesh for days, attaching heavy chains to slide up and down the horse’s sore legs, inserting metal screws or other foreign objects into the sensitive areas of the hooves, cutting the hooves down to expose the live tissue, and using salicylic acid or other painful substances to slough off scarred tissue, in an attempt to disguise the sores). A report released in October 2010 by USDA’s Office of Inspector General documents significant problems with the industry self-monitoring system on which the APHIS inspection program currently relies, and calls for 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 to enable USDA to do a better job enforcing this law. With current funding, Animal Care is able to attend about 20% of the more than 500 Tennessee Walking Horse shows held annually. Sustained support is essential to ensure that this program doesn’t lose ground now that it is finally beginning to address the need for additional inspectors, training, security (for 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 level funding of \$16,224,000 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.

## **Departmental Administration / Office of the Administrative Law Judges**

**We request language to provide for one additional Administrative Law Judge position out of the funds appropriated for Departmental Administration.** There are now only three Administrative Law Judges to conduct rulemaking and adjudicatory hearings on the full range of approximately 40 statutes administered by USDA that require Administrative Procedure Act hearings, including federal animal welfare laws. This has led to a bottleneck in adjudications, with cases often taking years to be resolved, and frustrating enforcement efforts. One additional ALJ will help ease work overload, reduce delays, allow for more rigorous enforcement, and encourage better compliance.

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

**We request language to ensure strengthened HMSA enforcement. We appreciate the committee's inclusion of language in the FY 2014 committee report regarding humane slaughter.** USDA oversight of humane handling rules for animals at slaughter facilities is vitally important not only for animal welfare but also for food safety. Effective day-to-day enforcement can prevent abuses like those previously documented in undercover investigations, and reduce the chance of associated food safety risks and costly recalls of meat and egg products. We therefore urge inclusion of language directing FSIS to ensure that inspectors hired with funding previously specified for Humane Methods of Slaughter Act enforcement 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, and that all inspectors receive robust national training, including on the Regulatory Essentials, Humane Animal Tracking System, and Public Health Information System.

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

**We request that you support funding of \$97,200,000 as requested in the President's Budget 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, established felony penalties in 2007, and strengthened the law as part of the Farm Bills enacted in 2002, 2008, and 2013. 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, Horse Protection Act, and Humane Methods of Slaughter Act and downed animal rules.

## **National Institute of Food and Agriculture / Veterinary Medical Services Act**

**We request that you support level funding of \$4,800,000 to continue the implementation of the National Veterinary Medical Service Act (P.L. 108-161).** We appreciate that Congress is working to address the critical maldistribution 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 identified that an inadequate number of veterinarians to meet national needs is among the foremost challenges facing veterinary medicine. Having adequate

veterinary care is a core animal welfare concern. To ensure adequate oversight of humane handling and food safety rules, as well as 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) and public health problems such as those associated with pet overpopulation, parasites, rabies, chronic wasting disease, and bovine spongiform encephalopathy ("mad cow" disease), USDA must be able to fill vacancies in its veterinary positions. Veterinary school graduates face a crushing debt burden of \$162,113 on average, with an average starting salary of \$68,000.

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

**We request that you support level funding of \$968,887 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 to support state and local governments' 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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