

Enforcement of the Animal Welfare Act – the Corruption of the USDA

Is Anyone Enforcing the Law?

The Animal Welfare Act (AWA) is the primary piece of legislation that protects animals bred and sold by dealers, exhibited by zoos and other attractions or experimented on in laboratories. The United States Department of Agriculture/Animal & Plant Health Inspection Service/Animal Care (USDA/APHIS/AC) is the federal agency charged with enforcing this law.

The Office of the Inspector General (OIG) of the USDA has audited USDA/APHIS/AC 3 times regarding enforcement of the AWA. Each of these audits had found major problems with the enforcement of the AWA.

Coincidentally, three past/present USDA inspectors, each dealing with one of these same areas, have turned whistleblower since the OIG audits took place. They have been uniformly critical of USDA/APHIS/AC, showing that little had changed within the agency after the OIG audits.



Enforcement Inside Laboratories

In 1995 USDA/APHIS was audited by the Office of the Inspector General (OIG) of the USDA. The investigation dealt with enforcement of the AWA in laboratories. The results were not favorable:

“APHIS does not have the authority, under current legislation, to effectively enforce the requirements of the Animal Welfare Act. For Instance, the agency cannot terminate or refuse to renew licenses or registrations in cases where serious or repeat violations occur (such as the use of animals in unnecessary experiments, or failure to treat diseases or wounds). In addition, APHIS cannot assess monetary penalties for violations unless the violator agrees to pay them, and penalties are often so low that violators merely regard them as part of the cost of doing business.”

Essentially, the OIG said that USDA/APHIS lacked sufficient authority to effectively enforce the AWA within laboratories, and that the USDA/APHIS didn't effectively utilize the limited authority that it did have. Have things changed within the USDA since 1995? Apparently not. In fact, it appears that the USDA/APHIS hierarchy may have become openly hostile to effective enforcement of the AWA.

In 2000 Dr. Isis Johnson-Brown, a former USDA inspector issued the following statement at a news conference in Portland Oregon:

“The research institutions I visited, including the Oregon Primate Center, were not happy to see me coming once they realized that I was going to hold them to the law. This reaction I expected. What was surprising to me was my own supervisors were disappointed and unsupportive of my efforts to simply enforce the bare minimum standards in the Code of Federal Regulations. The USDA has a good ol' boy relationship with the research industry and the laws are nothing more than smoke and mirrors. More than once, I was instructed by a supervisor to make a personal list of violations of the law, cut that list in half, and then cut that list in half again before writing up my inspection reports. My willingness to uphold the law during my site visits at the Primate Center led to me being “retrained” several times by higher-ups in the USDA.”



Enforcement Inside Animal Dealers

In 1992 USDA/APHIS was audited by the Office of the Inspector General (OIG) of the USDA with respect to enforcement of the AWA regarding animal dealers. The report was summarized:

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“Our audit concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the act. APHIS did not inspect dealer facilities with a reliable frequency, and it did not enforce timely correction of violations during inspections.”

Essentially, with regard to dealers, USDA/APHIS was not enforcing the law. This situation is echoed by the words of Marshal Smith a former USDA inspector:

“My territory included 40 kennels in northwest Arkansas. I approached my new job conscientiously. Records of these pet producers were transferred to me from a retiring inspector who told me, "If you're smart you'll do what I did, you'll check everything is OK." I told him that I intended to abide by the law. Another assumption: I assumed he was a lazy good old boy, that he was not voicing the agency's mindset. The kennels I visited had seemingly never been inspected. I was overwhelmed by what I saw: the wretched looking animals, the mounds of fecal matter reaching in some cases to my knees, at very least to the wire caging of the rabbit hutches which most puppy millers used to house the dogs. In every instance that I recall, the filth and deprivation were shocking.”

Enforcement Inside Animal Exhibitors

In 1996 the OIG audited the USDA with respect to animal exhibitors. The findings were no more encouraging:

“Although APHIS Class “C” exhibitor licenses were intended solely for those who wish to exhibit animals to the public, our visits to 28 APHIS-licensed exhibitors in 3 states disclosed that 18 (64 percent) did not actually exhibit their animals, but instead maintained them as pets. Using the regulations broad definition of an exhibitor, individuals obtained exhibitor licenses in order to circumvent State or local laws intended to protect the public by restricting private ownership of wild or exotic animals such as bears or tigers.”

In this instance APHIS regulations and enforcement practices of the AWA actually allowed individuals to circumvent local laws and potentially endanger the public.

Similar information has come to light in the statement of current USDA Animal Care Specialist Richard Botelho. A five-year veteran of almost 1000 inspections inside Florida, Botelho has made some familiar-sounding statements about the USDA:

“Failing to enforce the minimum standards and regulations of the AWA has harmful risks to the animals and to the public. Potentially dangerous animal are being allowed to be exhibited to the public without direct control of a handler(s), sufficient distance or barrier between the animals and the public.”

What you can do to help:

1. Read, copy, and distribute this fact sheet.
2. Contact the Chairs of the House & Senate Agriculture Committees to demand that they immediately convene investigative hearings to examine how USDA/APHIS enforcement of the Animal Welfare Act.

Bob Goodlatte
2240 Rayburn House Office Bldg
Washington, DC 20515
202-225-5431
202-225-9681 (fax)

Saxby Chambliss (R-GA)
416 Russell Senate Office Bldg
Washington, DC 20510
202-224-3521
202-224-0103 (fax)

3. Contact the Office of the Inspector General to demand that the current OIG audit of USDA APHIS deal with the agency's enforcement of the Animal Welfare Act.

United States Department of Agriculture
Office of the Inspector General
Room 41-W Jamie Whitten Bldg
1400 Independence Ave SW
Washington, DC 20250
202-720-5677

4. Contact the Office of the Secretary of Agriculture to demand both stricter enforcement of the Animal Welfare Act and an internal investigation of the allegations made by the present and former USDA staff quoted in this fact sheet.

Mike Johanns
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave SW Room 200A

5. Send a tax-deductible donation to Stop Animal Exploitation NOW! (SAEN) to support this campaign.

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