

Congress of the United States
Washington, DC 20515

April 5, 2017

The Honorable Robert Aderholt
Chairman
Subcommittee on Agriculture, Rural
Development, FDA, & Related Agencies
2362-A Rayburn Building
Washington, D.C. 20515

The Honorable Sanford Bishop
Ranking Member
Subcommittee on Agriculture, Rural
Development, FDA, & Related Agencies
1016 Longworth Building
Washington, D.C. 20515

Dear Chairman Aderholt and Ranking Member Bishop:

As you meet to consider Fiscal Year (FY) 2018 appropriations, we are writing to thank you for your outstanding past support for enforcement of key U.S. Department of Agriculture (USDA) animal welfare laws and to urge you to sustain this effort in FY 2018. 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 2018:

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

We request that you support funding of \$28,696,000 for AWA enforcement under APHIS. We commend the Committee for responding in recent years to the urgent need to properly fund the Animal Care division (Animal Care) to improve its inspections of approximately 10,731 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 (OIG) 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. In December 2014, the OIG released an audit that urged the agency to levy higher penalties against research facilities that violate the AWA, noting that the low penalties being given are just seen as a cost of doing business. While there have been some improvements, unfortunately, many of these problems persist. Most importantly, USDA still does not provide any oversight of some large-scale commercial dog breeders who sell puppies directly to the public via the Internet and other means, despite receiving tips identifying these scofflaw operations. The agency finalized its "retail pet store rule" in 2013, requiring these breeding operations that sell animals sight unseen to the public to be licensed and inspected under the AWA, but there has been little follow-through and, predictably, animals and consumers continue to suffer terribly as a result. USDA is also responsible for implementing a 2008 law and corresponding 2014 regulations to end imports from foreign puppy mills, where puppies are mass produced under inhumane conditions and forced to endure harsh long-distance transport. Animal Care currently maintains 114 inspectors (with 7 vacancies) who perform and oversee animal welfare compliance inspections, compared to 64 inspectors at the end of the 1990s. Animal Care is also in charge of cadres of species specialists (4 with 1 vacancy) who support inspectors with complex regulatory compliance issues and compliance specialists (7) who support the pre-licensing process and other aspects of compliance assurance. An appropriation at the requested level would allow the agency to better address the concerns identified by the OIG, especially the need for enforcement of online puppy sales, and provide adequate oversight of the many licensed/registered facilities.

APHIS / Horse Protection Act (HPA) Enforcement

We request that you support funding of \$705,000 for strengthened enforcement of the 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 create an artificially exaggerated, high-stepping gait and gain unfair competitive advantage at horse shows. Some examples of soring include 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 strike against the sore legs and heavy, stacked horseshoes that force the horse’s legs into unnatural angles, jamming hard objects into the sensitive areas of the feet, cutting the hooves down to expose the live tissue, and using salicylic acid or other painful substances to slough off scarred tissue or numbing agents in an attempt to disguise the sores. An October 2010 OIG report 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, the AVMA and the key organization of equine veterinarians have also called for funding to enable USDA to do a better job enforcing this law. With the current level of funding, Animal Care has been able to attend less than 30% of the approximately 300 Tennessee Walking Horse shows held annually. Now that the program is finally beginning to address the need for additional inspectors, training, security, and advanced detection equipment, sustained support from the Committee is essential to ensure that this program doesn’t lose ground. We also urge you to refrain from including any bill or report language that could in any way restrict or deter USDA from vigorous enforcement of the Horse Protection Act, including interfering with USDA’s continued use of current inspection techniques that are widely recognized as objective and legitimate by veterinarians, or granting individuals associated with HPA violations a larger voice in determining inspection protocols. We further urge you to call on USDA to publish the final rule that received more than 100,000 public comments in support, including letters signed by 182 Representatives and 42 Senators, as it was displayed in advance public notice in the Federal Register on January 19, 2017 (https://www.aphis.usda.gov/newsroom/federal_register/hpa-rule.pdf), to strengthen the HPA regulations that have undermined enforcement of this law for decades.

APHIS / Online Access to HPA and AWA Records

We request that you direct APHIS to immediately restore comprehensive online, searchable access to all inspection reports, annual reports, and other documents regarding enforcement of the HPA and the AWA. We strongly disagree with APHIS’ abrupt removal from its website of thousands of pages of these essential records and its searchable database, developed at taxpayer expense to allow analysis and comparison of data by the agency and the public. We should be increasing government transparency, not diminishing it and shielding those cited for violations of these key animal welfare laws. The taxpaying public that finances USDA inspections has a right to know when regulated entities are cited for subjecting animals in their care to abuse or otherwise failing to meet basic welfare standards. Public access to this information can guide consumer decision-making and plays an important role in deterring regulated entities from violating the law. It underpins state and local laws meant to protect animals and consumers, such as the laws in seven states prohibiting sale of dogs from breeding operations with a history of serious AWA violations. It is also in the interest of responsible industry stakeholders. As noted by Speaking of Research, a pro-animal research organization opposing the USDA purge, “[w]hen information is hidden, particularly where it was once available...the public wonders what is being hidden and why, and researchers must devote even more resources to combatting the public perception that they are not transparent.” Posting these records is akin to police departments posting arrest reports, food safety agencies posting code violations, and professional licensing boards posting alleged violations of professional misconduct. In addition, existing APHIS processes already guarantee a right to review and challenge inspection reports before they are posted online, but not to keep verified citations under wraps. As such, we request inclusion of the following bill language: “*Provided further*, That the Animal and Plant Health Inspection Service shall promptly restore all earlier records removed and resume posting on the USDA website, in an online searchable database that allows analysis and comparison of data, all inspection reports, annual reports, and other documents, in their entirety, related to enforcement of the Horse Protection Act and the Animal Welfare Act.”

Agricultural Research Service (ARS) / Animal Welfare for Farm Animals Used in Agricultural Research

A 2015 investigation by the New York Times revealed shocking instances of animal mistreatment and neglect associated with experiments conducted on farm animals at the ARS U.S. Meat Animal Research Center (USMARC), and repeated disregard for objections raised by the Center's own veterinary staff. The Committee responded by making five percent of the ARS budget for FY 2016 contingent on ARS updating its animal care policies and requiring that all ARS facilities at which animal research is conducted have a fully functioning Institutional Animal Care and Use Committee (IACUC) to ensure compliance with animal welfare standards and principles of scientific integrity. The Committee also provided \$400,000 to APHIS in FY 2016 to conduct inspections consistent with the AWA at each ARS facility that uses animals in research. In the Committee's FY 2017 bill, that funding was boosted to \$500,000. We appreciate that the Committee took these concerns seriously and commend the Committee for its ongoing oversight. We request inclusion again of the following language drawn from the Committee report for FY 2017: "The Committee provides \$500,000 to support continuing the Memorandum of Understanding (MOU) between APHIS and ARS. The MOU is necessary for ARS to utilize the skills and expertise of APHIS' animal care staff and to help ARS address some of their past failures to maintain high standards of care for animals used in ARS funded research. At a minimum, the MOU should ensure that ARS is adhering to its own standards and guidelines for research practices as required by the Humane Animal Care and Use policy, a policy that is closely aligned with the Animal Welfare Act; ensure that every ARS location engaging in research and testing on vertebrate animals has a fully functioning Institutional Animal Care and Use Committee (IACUC) in place; and, ensure that each IACUC produces a semi-annual report with a description of and the reasons for any major deviations from the requirements outlined in ARS policy."

APHIS / Investigative and Enforcement Services (IES)

We request that you support funding of \$16,410,000 for APHIS Investigative and Enforcement Services. 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.

Food Safety and Inspection Service (FSIS) / 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 2017 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 HMSA 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 in humane handling and inspection techniques. In addition, past OIG and Government Accountability Office audits have revealed inconsistent enforcement and documentation, and recommended that USDA develop more objective criteria and metrics for determining HMSA enforcement actions. We therefore also request that the agency develop an annual program evaluation for its humane handling inspections program that includes document review, field staff surveys, and monitoring to assess the degree of consistency and objectivity of implementation of the HMSA by all levels of inspection staff.

OIG / Animal Fighting Enforcement

We request that you support funding of \$100,998,000 for the 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 2002, 2008, and 2014 Farm Bills. 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 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 AWA, HPA, HMSA and downed animal rules.

National Institute of Food and Agriculture / Veterinary Medical Services Act

We request that you support funding of \$6,500,000 for the Veterinary Medicine Loan Repayment Program (National Veterinary Medical Service Act, P.L. 108-161). We appreciate that Congress is working to address the critical maldistribution of veterinarians practicing throughout the United States. Gaining access to suitable veterinary care is a core animal welfare and animal health concern. To ensure adequate oversight of humane handling and food safety rules, to defend against bioterrorism, and to address a myriad of public health issues including those associated with parasites, rabies, chronic wasting disease, and pet overpopulation, USDA must incentivize veterinarians to fill vacancies in designated veterinary shortage areas. Too often educational debt is a significant barrier to attracting veterinarians to practice in areas experiencing maldistribution problems. Veterinary school graduates in 2015 faced a crushing debt burden of \$142,394 on average, while the starting salary for these graduates was just \$70,000 for a fulltime position. Nearly 1,200 veterinarians have applied for assistance under this program since 2010, yet at current funding levels, about 50 awards can be made each year. Also, we support the Veterinary Services Grant Program authorized in the 2014 Farm Bill. USDA awarded the first twelve grants in September 2016 to help address gaps in veterinary shortage situations by preparing veterinarians for rural practice.

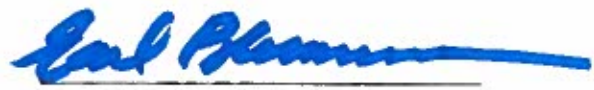
APHIS / Emergency Management Systems / Disaster Planning for Animals

We request that you support funding of \$969,000 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 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,


Christopher H. Smith


Earl Blumenauer

Gene Green

Gene Green

Louise M. Slaughter

Louise M. Slaughter

Eddie Bernice Johnson

Eddie Bernice Johnson

Jackie Speier

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Steve Cohen



Adam B. Schiff


Bill Pascrell, Jr.


Jan Schakowsky


Richard M. Nolan


Alcee L. Hastings

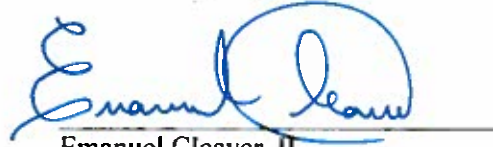

Leonard Lance


William R. Keating


Joe Courtney


Daniel W. Lipinski


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Emanuel Cleaver, II


Walter Jones


Linda Sánchez


Timothy J. Walz


Doris Matsui


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Barbara Lee

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Jerry McNerney

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Adam Smith

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Keith Ellison

Keith Ellison

Gwen Moore

Gwen Moore

David N. Cicilline

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Tom Marino

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Henry C. "Frank" Johnson, Jr.

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Sheila Jackson Lee

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Danny K. Davis

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Eleanor Holmes Norton

Eleanor Holmes Norton

Peter DeFazio

Peter DeFazio

Jerrold Nadler

Jerrold Nadler

David Price

David Price

Lucille Roybal-Allard

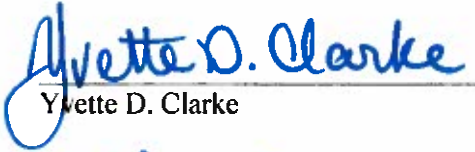
Lucille Roybal-Allard

G. K. Butterfield

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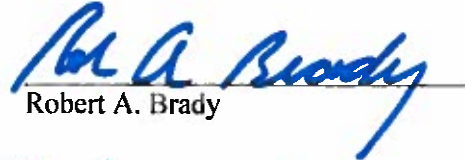
Jim Langevin

Jim Langevin


Yvette D. Clarke


Kathy Castor

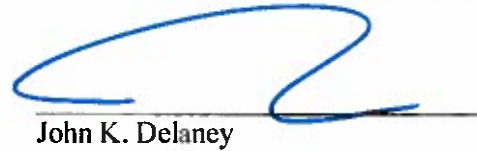

Vern Buchanan

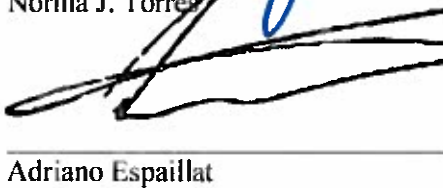

Robert A. Brady


Jared Polis


Niki Tsongas


Norma J. Torres


John K. Delaney

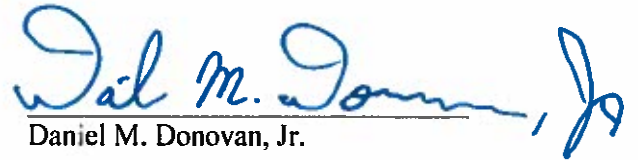

Adriano Espaillat


John Katko


Grace F. Napolitano


Hakeem Jeffries


Juan Vargas



Daniel M. Donovan, Jr.


Bonnie Watson Coleman


Donald Norcross


Carol Shea-Porter


Dave Loebsack

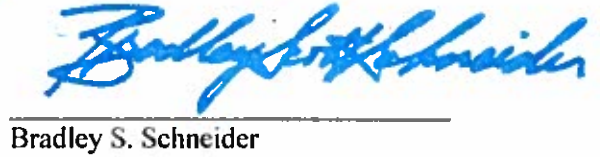

Raúl M. Grijalva


Tony Cardenas


Kathleen M. Rice


Mark Takano

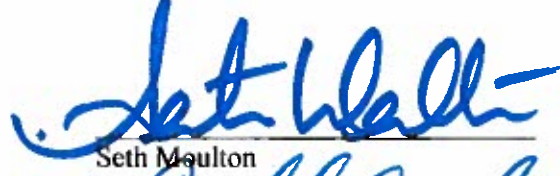

Anthony Brown


Bradley S. Schneider

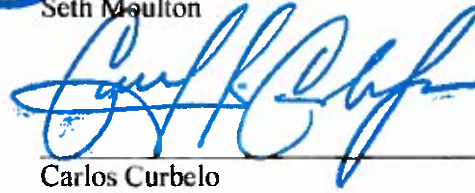

Darren Soto


Mark Pocan


Michael E. Capuano


Seth Moulton


Jared Huffman


Carlos Curbelo


Zoe Lofgren


Raul Ruiz

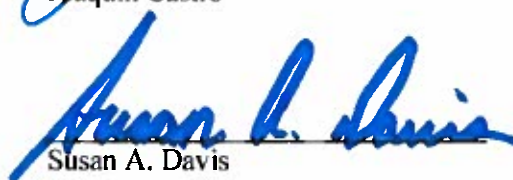

Stephanie Murphy

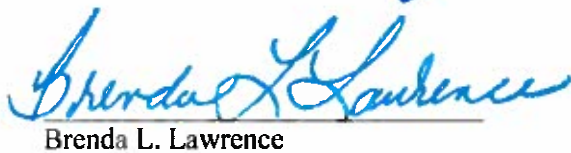

Sander M. Levin


Bill Foster


Joaquin Castro


Ruben Gallego


Susan A. Davis


Brenda L. Lawrence


Robert C. "Bobby" Scott



Brendan F. Boyle



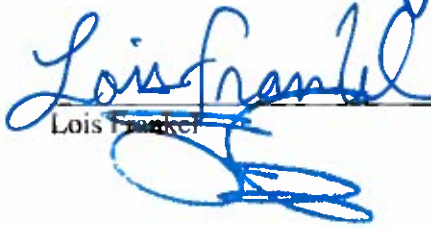
Scott H. Peters



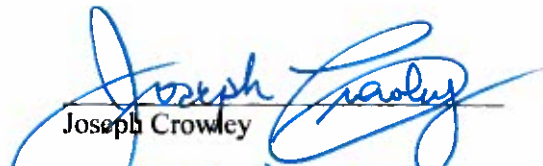
Donald S. Beyer Jr.



Debbie Wasserman Schultz

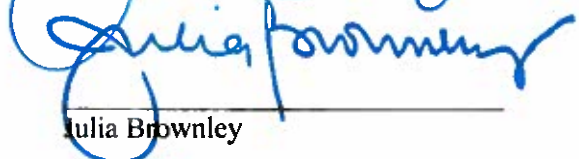


Lois Frankel

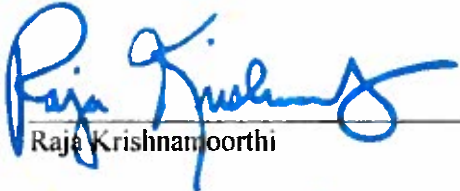


Joseph Crowley

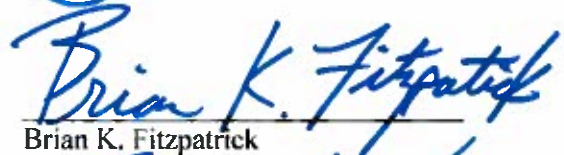
Sean Patrick Maloney



Julia Brownley



Raja Krishnamoorthi



Brian K. Fitzpatrick



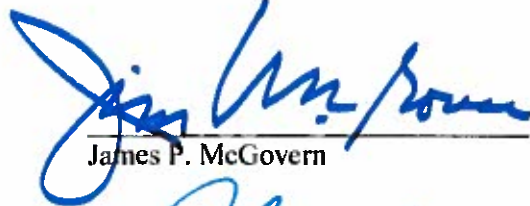
Martha McSally



Tom MacArthur



Suzanne Bonamici



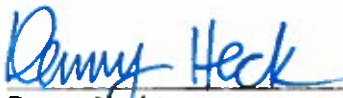
James P. McGovern



Filmon Vela



Charlie Crist



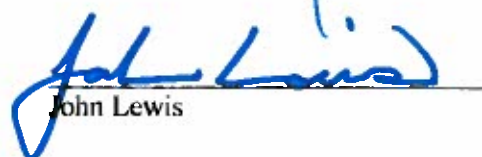
Denny Heck



Colleen Hanabusa



Jacky Rosen



John Lewis

Peter T. King
Peter T. King

Ryan A. Costello
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A. Donald McEachin
A. Donald McEachin

Robert J. Kihuen
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Mike Doyle
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Jim Himes
Jim Himes


Diana DeGette
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Kysten Sinema



Ami Bera


J. Luis Correa


Frederica S. Wilson


Nanette Diaz Barragan


André Carson


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Tulsi Gabbard