

Congress of the United States

Washington, DC 20515

September 30, 2022

Kevin Shea, Administrator
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Dear Administrator Shea:

We write out of concern regarding the Animal and Plant Health Inspection Service's (APHIS) decision to renew Envigo RMS, LLC's license despite overwhelming evidence of deliberate and persistent Animal Welfare Act (AWA) violations at its Cumberland, Virginia facility. By the agency's own records, between July 2021 and May 2022, Envigo had amassed over 70 AWA violations, a significant number of them being "critical" or "direct," and showed no initiative to correct these violations. We find APHIS's decision to renew Envigo's license, despite the company's track record of serious animal welfare violations, an abdication of the agency's duty to protect animals.

Beginning in July 2021, APHIS became aware that Envigo was not meeting minimum housing standards and not providing sanitary conditions or clean food and water in sufficient quantity. Likewise, Envigo allowed non-veterinary employees to administer medical care and permitted staff to euthanize dogs without anesthesia. Medical records indicate that over 300 puppies died from "unknown causes" and over 150 dead puppies under five weeks old were so badly decomposed that a cause of death could not be determined. Even after being instructed to correct the inhumane, noncompliant conditions at its Cumberland facility, Envigo failed to do so, which led to hundreds of dog casualties. Over the course of several months, APHIS continued to document serious violations of care at this facility, many of which were repeat violations. Nonetheless, APHIS did not use its authority under the AWA to suspend or revoke Envigo's license, remove any of the animals in Envigo's care, or seek a single financial penalty against Envigo.

As you are aware, the abhorrent conditions documented by the agency resulted in the Department of Justice seeking an injunction against Envigo. Even after a federal court entered an order enjoining Envigo from conducting activity at the Cumberland facility and approved transfer of more than 4,000 dogs to an animal welfare organization, APHIS renewed Envigo's license for another year. It is appalling that APHIS has not opened any enforcement actions against Envigo to penalize and deter its behavior.

According to The U.S. District Court for the Western District of Virginia, Envigo "operat[ed] . . . in a manner that flagrantly disregard[ed] numerous health protocols, placing the heath of animals in serious danger and risk of death." *United States v. Envigo RMS, LLC*, 6:22-cv-00028 (W.D. Va. May. 21, 2022). Nevertheless, APHIS is allowing Envigo to continue breeding and selling

dogs without consequence. This decision is wholly disconcerting and in direct contradiction to the agency's responsibility of enforcing the AWA. It sets a dangerous precedent that blatant defiance of the law may go unpenalized and leaves licensees without incentive to comply.

The USDA has been entrusted with ensuring the humane handling, care, and treatment of animals in commercial facilities. We agree with the court in that "the Government has a strong interest in ensuring compliance with federal law and regulations to safeguard humane treatment of animals, as well as ensure the efficacy of USDA's inspection and licensing regime." *Id.* The agency's unwillingness to hold Envigo accountable, despite the company's history of irresponsibility and improper stewardship, completely undermines the integrity of the agency's enforcement objectives and is not what Congress intended when it granted the agency authority to enforce the AWA.

In light of your decision to renew Envigo's license, we respectfully request that you provide detailed responses to the following questions within 60 days of receiving this letter:

1. Can you confirm that Envigo RMS, LLC currently holds an active license to breed animals and when the license was renewed?
2. Can you confirm how many sites Envigo operates and the location of each site, along with the last date each site was inspected by APHIS officials and inventory of animals at each site?
3. Can you explain how APHIS determined that Envigo met the requirements for license renewal despite the numerous violations noted by your agency?
4. Given Envigo's history of ignoring warnings and opportunities for correction at its Cumberland facility, how can the agency be confident that that company will comply with the AWA at its other sites?

We appreciate APHIS's attention to this matter and look forward to a prompt response.

Sincerely,


Mike Quigley
Member of Congress


Brian Fitzpatrick
Member of Congress



Nicole Malliotakis
Member of Congress



Elaine G. Luria
Member of Congress



Marie Newman
Member of Congress



Cynthia Axne
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Member of Congress



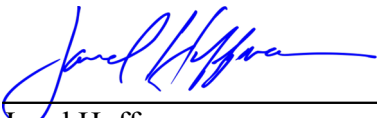
Tony Cárdenas
Member of Congress



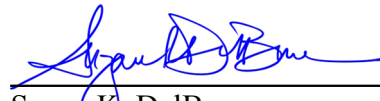
Donald M. Payne, Jr.
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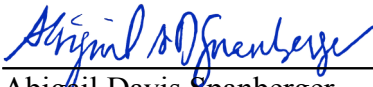
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