

Congress of the United States

Washington, DC 20515

September 28, 2023

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack:

We, the undersigned members of the Congressional Animal Protection Caucus, are writing to express our concern regarding the United States Department of Agriculture's (USDA) failure to take meaningful action to respond to and deter serious violations of the Animal Welfare Act (AWA) and its regulations. We wrote to Animal and Plant Health Inspection Service (APHIS) Administrator Kevin Shea on October 3, 2022 to raise our concerns about this program and have not yet received a response. Enforcement action must be consistently deployed, when appropriate, to prevent harm to the animals covered under the law and to deter future violations. Unfortunately, USDA's own data demonstrate that the agency is not taking this responsibility seriously.

In Fiscal Year 2022, APHIS documented more than 3,000 AWA violations and observed others which, due to agency policies, were not formally reported. Of the 3,000 violations documented at USDA-licensed and regulated facilities, only seven had their licenses revoked or suspended. The agency filed only four administrative complaints and resolved only 17 others through settlement agreements. Despite your department's authority to remove suffering animals from noncompliant facilities, USDA did not confiscate a single animal.

The attached document describes particularly egregious examples of this pattern of USDA rarely suspending or revoking a license, confiscating animals experiencing inhumane conditions, or imposing monetary penalties for any licensees or facilities that so egregiously break the law. In fact, in some cases adequate enforcement occurred only when the Department of Justice (DOJ) stepped in and brought charges against violators.

Congress is determined to ensure adequate enforcement action by APHIS as evidenced by provisions included in the most recent appropriations law. The joint explanatory statement accompanying the Fiscal Year 2023 omnibus spending law included language expressing concern over the decline in enforcement of AWA violations and directing the agency to reform its current licensing and enforcement scheme immediately. We are disappointed there have not been improvements since enacting these provisions.

This ongoing pattern of failing to respond to severe, recurring violations involving USDA-inspected facilities with adequate enforcement action is a dereliction of your department's responsibility to uphold the AWA. The USDA must take steps to reform this disturbing pattern by ensuring that meaningful steps are taken to protect covered animals from harm, to hold violators accountable, and to deter future failures to comply with the law.

We request that USDA report to us within 90 days of receiving this letter on its efforts both to ensure the AWA is being vigorously enforced and to improve communication with federal, state, and local law enforcement agencies and elected officials as well as animal welfare groups when criminal animal cruelty is suspected.

Within the report, we request that the Department indicate how it will ensure and improve enforcement, whether it has the existing statutory or regulatory authorities to implement the reforms listed below, and if such authorities exist, whether the Department will commit to pursuing these reforms:

- Requiring annual unannounced inspections for all licensees and registrants;
- Assessing each violation of the law and regulations for penalties or other enforcement action;
- Removing suffering animals from facilities through the agency’s confiscation power; and
- Reporting violations that might rise to infractions of state cruelty codes to the relevant state and local law enforcement agencies.

Thank you for your attention to this important matter. We look forward to receiving a timely update on the progress your department is making to safeguard animal welfare.

CC: Jenny Moffitt, Under Secretary of Agriculture for Marketing and Regulatory Programs; Katie Zenk, Deputy Under Secretary of Agriculture for Marketing and Regulatory Programs

Sincerely,



Earl Blumenauer
Member of Congress



Vern Buchanan
Member of Congress



Mike Quigley
Member of Congress



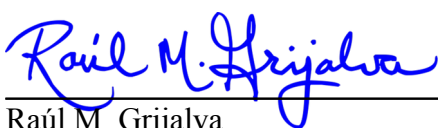
Brian K. Fitzpatrick
Member of Congress



Sharice L. Davids
Member of Congress



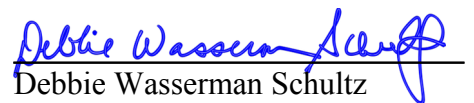
Nicole Malliotakis
Member of Congress



Raúl M. Grijalva
Member of Congress



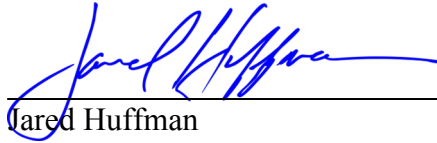
Ro Khanna
Member of Congress



Debbie Wasserman Schultz
Member of Congress



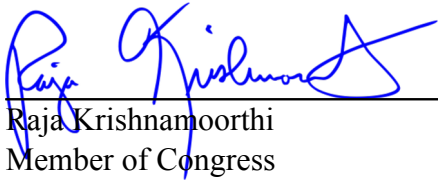
Deborah K. Ross
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Jared Huffman
Member of Congress

André Carson

André Carson
Member of Congress



Raja Krishnamoorthi
Member of Congress



Jason Crow
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Mark Pocan
Member of Congress



Steve Cohen
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Adam B. Schiff
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Nancy Mace
Member of Congress



Lucy McBath
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Donald M. Payne, Jr.
Member of Congress



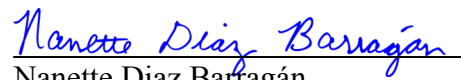
Barbara Lee
Member of Congress




Gwen S. Moore
Member of Congress



Susan Wild
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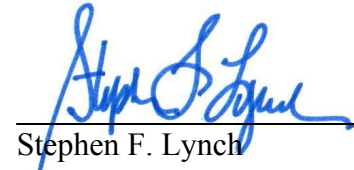
Nanette Diaz Barragán
Member of Congress



Eleanor Holmes Norton
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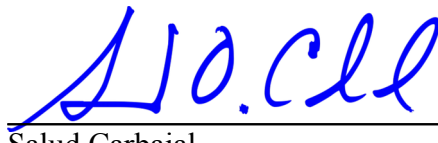
David J. Trone
Member of Congress



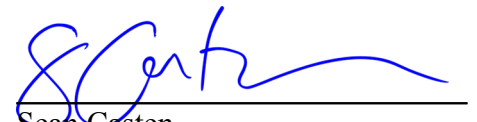
Stephen F. Lynch
Member of Congress



Scott H. Peters
Member of Congress



Salud Carbajal
Member of Congress



Sean Casten
Member of Congress



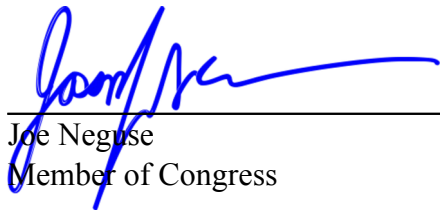
Jamie Raskin
Member of Congress



Joyce Beatty
Member of Congress



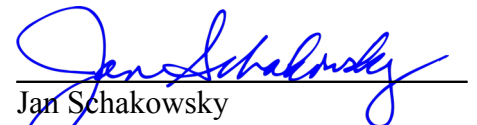
Julia Brownley
Member of Congress



Joe Neguse
Member of Congress



Summer Lee
Member of Congress



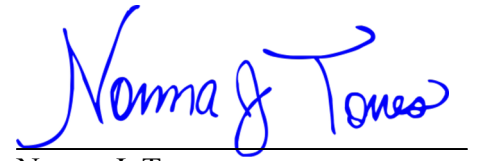
Jan Schakowsky
Member of Congress



Madeleine Dean
Member of Congress

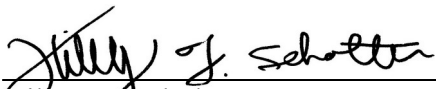



Raul Ruiz, M.D.
Member of Congress

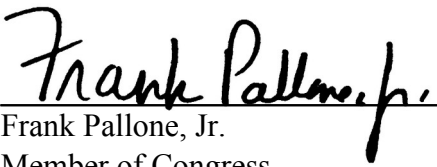


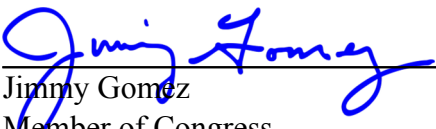
Norma J. Torres
Member of Congress


Dina Titus
Member of Congress

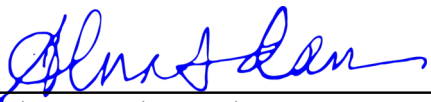

Hillary J. Scholten
Member of Congress


Juan Vargas
Member of Congress


Frank Pallone, Jr.
Member of Congress

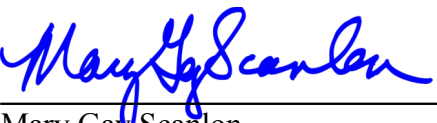

Jimmy Gomez
Member of Congress

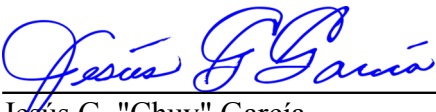

Bradley Scott Schneider
Member of Congress


Alma S. Adams, Ph.D.
Member of Congress

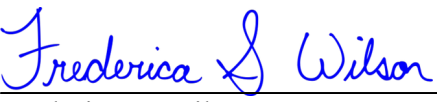

C. A. Dutch Ruppertsberger
Member of Congress

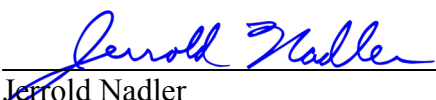

Gregorio Kilili Camacho Sablan
Member of Congress

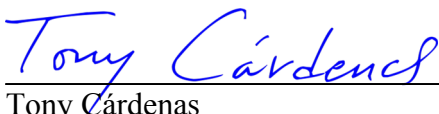

Mary Gay Scanlon
Member of Congress

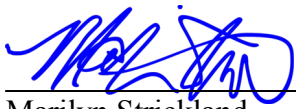

Jesús G. "Chuy" García
Member of Congress


Grace F. Napolitano
Member of Congress


Frederica S. Wilson
Member of Congress


Jerrold Nadler
Member of Congress


Tony Cárdenas
Member of Congress



Marilyn Strickland
Member of Congress



Colin Z. Allred
Member of Congress



Christopher H. Smith
Member of Congress



Bill Foster
Member of Congress



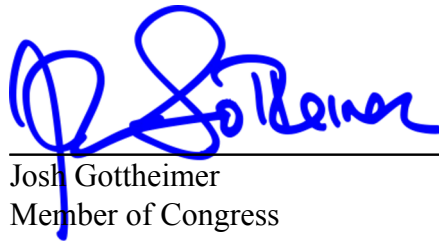
James P. McGovern
Member of Congress



Bill Pascrell, Jr.
Member of Congress



Susie Lee
Member of Congress



Josh Gottheimer
Member of Congress



Mike Thompson
Member of Congress



Suzan K. DelBene
Member of Congress



Sara Jacobs
Member of Congress



Judy Chu
Member of Congress

The U.S. Department of Agriculture’s (USDA) [pattern of failing to enforce the Animal Welfare Act \(AWA\)](#) has caused serious harm to animals.

The USDA has implemented policies that limit the number of observed violations that can be recorded by inspectors. The “Courtesy Visits” Rule¹ and “Veterinary Care” Rule² are two examples of USDA policies that instruct inspectors to suppress recording welfare violations. When violations are recorded, USDA rarely takes enforcement action, despite having many tools to do so. In [Fiscal Year 2022](#), the USDA’s Animal and Plant Health Inspection Service (APHIS) documented over 3,000 AWA violations and observed others which, due to agency policies, were not formally reported. In response, the agency filed only four administrative complaints and resolved only 17 others through settlement agreements. Only seven facilities with a documented violation had their licenses revoked or suspended. That same year, although USDA documented 800 AWA violations at licensed dog dealer facilities, the agency did not suspend or revoke a single license, confiscate a single dog, or impose a single monetary penalty on any of the responsible licensees or facilities.

This pattern of inaction is well-documented and is not limited to one fiscal year, nor to one species or type of license, but we have focused this document on dealers. Below are a few examples of this pattern.

1. In 2021, USDA inspectors [observed hundreds of violations](#) at a facility owned by [Daniel Gingerich](#) (USDA # 42-A-1632), with dogs starving and emaciated, overheating, dying, and decomposing on the property.³ The U.S. Department of Justice (DOJ) eventually stepped in to orchestrate the voluntary surrender of the dogs by the licensee. By that time, an unknown number of dogs had already perished.
2. In 2022, at a Virginia-based facility called [Envigo](#) (USDA #32-A-0774), USDA inspectors documented [heinous welfare violations](#) but [ignored its obligation to intervene](#). [High level officials](#) within USDA’s Animal Care department instructed inspectors to rescind 80 pages of their initial report on the cruelty at this facility, inexplicably removed the lead inspector from the case, and restricted inspectors from visiting the property even after learning how severe the welfare violations were.⁴ Even after DOJ intervened and 4,000 beagles were surrendered, USDA renewed Envigo’s license and has not taken any further action despite continued violations.⁵
3. [During a May 2022 inspection](#) of Chris McGill, an Oklahoma dog breeder (USDA #73-A-1257), USDA observed a litter of nursing puppies—two of whom were deceased and decaying, and another who was listless with shallow breathing, with the three remaining huddled nearby. The puppies’ kennels contained a severe accumulation of feces, and cockroaches infested their food. Although the licensee has a history of violations, USDA took no action.
4. Elisa Brandvik, a dog breeder in Arkansas (USDA #71-A-1423), [was inspected in August 2022](#) and found to have elevated outdoor enclosures with drains full of liquid and waste. An accumulation of hair and other organic debris was found on the ground with large swarms of maggots. Inspectors returned in November and noted half of the outdoor

¹ If a licensee repeatedly denies inspectors access to their facility, USDA policy instructs inspectors to schedule a “courtesy visit” instead. During the courtesy visit, inspectors are directed not to record observed violations of the Animal Welfare Act. See [USDA Animal Welfare Inspection Guide](#) §§ 4.3 and 4.8.

² Under the “Veterinary Care” Rule, inspectors are instructed not to record certain veterinary care issues on inspection reports. The Veterinary Care Rule prohibited inspectors from documenting Goldie’s condition on the official inspection report for the April 7, 2021 inspection. See [USDA Animal Welfare Inspection Guide](#) § 6.4.2.

³ USDA Inspection Report of Steve Kruse on 12/16/2015. Record release in response to ASPCA FOIA request no: 2021-APHIS-05709-F.

⁴ <https://www.reuters.com/legal/us-probe-beagle-breeder-envigo-scrutinizes-top-animal-welfare-officials-inaction-2023-03-09/>

⁵ Envigo closed their Cumberland facility. However, Envigo RMS LLC (located in Indianapolis) has an active breeder license (expiring 7/29/23) and is registered for research and transport. The AWA does not have a mechanism for suspending/revoking registrations. Following the Envigo beagle incident, the Class A breeder license at the Indianapolis facility was renewed for one year.

enclosures did not have protection from cold or rain, and dogs did not have access to food or water. The facility was first licensed in April 2022, after [“failing” two pre-license inspections](#). No action was taken after these violations were recorded.

5. An [August 2022 inspection](#) of Missouri dog breeding facility Royal Heritage Kennel (USDA #43-A-6613) revealed inside temperatures exceeding 95 degrees. Dogs and puppies all over the facility were observed panting excessively, including mother dogs who were panting so much that their puppies could not nurse. During the inspection, the dogs were moved to air-conditioned housing; however, [when USDA returned](#) three weeks later, the inspector observed only one dog. It is unclear what happened to the others. No action was taken.
6. In [September 2022](#), USDA inspected Loren Yoder, an Iowa dog breeder (USDA #42-A-1541) with approximately 130 dogs. Inspectors noted underweight dogs, including a nursing mom whose spine and hips were easily felt under her haircoat. None of the underweight dogs had been evaluated by a veterinarian, and the facility also failed to address violations cited at prior inspections. During the inspection, the licensee told the inspector to cancel the license. There is no record of USDA taking any action or returning to the location.
7. For over a decade, [Henry Sommers](#) (USDA #42-A-1329) was a [dog breeder in Iowa](#) who kept dogs in small and dirty wire cages with exposed and pointed wires, failed to provide adequate veterinary care, and even euthanized dogs himself through an unapproved method, injecting a drug into the stomach and later returning [“to ensure it has died.”](#) USDA renewed Sommers’ license year after year, and only [issued him a fine](#) in 2022.
8. [Steve Kruse](#), a dog breeder from Iowa, (USDA #42-B-0182) has been [cited over 50 times](#) for violations, including pouring hot sauce into a dog’s wound to prevent the dog from licking it, throwing a bag of dead puppies at USDA inspectors, and performing archaic and dangerous surgical insemination procedures on dogs. Kruse has been operating for over three decades with no fear of repercussions. Recently, USDA [suspended his license for 21-days](#), an action which is supposed to allow USDA time to investigate and determine future action.⁶ Despite this, there is no indication that USDA has conducted an investigation or plans to pursue additional enforcement action. Now that the suspension is over, Kruse is free to continue operating as usual.

These examples demonstrate the USDA’s consistent practice of ignoring its responsibility to ensure that animals under its care are humanely cared for. The USDA cannot continue to avoid, delay, or refuse to take the necessary action to uphold the Animal Welfare Act.

⁶ <https://www.aphis.usda.gov/enforcement/kruse1.pdf>