

The Honorable Charles Schumer
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Debbie Stabenow
731 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

The Honorable John Boozman
141 Hart Senate Office Building
Washington, DC 20510

The Honorable Hakeem Jeffries
2433 Rayburn House Office Building
Washington, DC 20515

The Honorable G.T. Thompson
400 Cannon House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
2468 Rayburn House Office Building
Washington, DC 20515

The Honorable David Scott
468 Cannon House Office Building
Washington, DC 20515

March 1, 2023

The American Society for the Prevention of Cruelty to Animals (ASPCA) respectfully urges you to include Goldie’s Act in the upcoming Farm Bill to better protect animals in federally licensed facilities from abuse. Goldie’s Act represents a critical opportunity to repair the U.S. Department of Agriculture’s (USDA) defective Animal Care Program and ensure that the Animal Welfare Act’s (AWA) intent is fully realized.

Since the AWA was codified, the USDA has failed to establish an enforcement scheme that prevents or alleviates animal suffering—a failure that has been repeatedly documented and criticized by the USDA’s Office of Inspector General (OIG) in audits dating as far back as 1992. Through a series of problematic policies and programs, the USDA has instructed inspectors to ignore violations in a variety of circumstances, resulting in mass suffering and harm to animals. The agency’s flagrant disregard for the law and lack of accountability when animals under its watch suffer—as demonstrated through several recent high-profile cases—often necessitate intervention from other federal agencies, as well as local law enforcement and animal welfare organizations, who must expend limited resources to address the suffering that results from the USDA’s scheme of non-enforcement.

Consider, for example, the case of USDA-licensee, Envigo RMS, LLC. This Virginia-based research breeding facility amassed over 70 AWA violations in less than one year. However, for months, the USDA turned a blind eye while animals suffered. Thanks to extraordinary intervention by the Department of Justice (DOJ), over 4,000 dogs were finally rescued from heinous cruelty and placed in safe, loving homes. Shockingly, however, the USDA chose not to pursue penalties against Envigo and even relicensed the company only days after the federal case closed.

In a strikingly similar case, the USDA documented extreme suffering of hundreds of dogs at USDA-licensee Daniel Gingerich’s multi-site operation in Iowa, but the agency chose not to confiscate any suffering animals or impose any penalty. Moreover, the agency carelessly approved the transfer of nearly 400 dogs from Gingerich to another USDA-licensee—Steve Kruse—who has a long, problematic history of AWA violations, including direct interference with inspections and uncorrected housing and medical conditions. For example, during one

hostile interaction, Kruse threw a bag of dead puppies at inspectors. Despite Kruse's history of violations, the USDA, nonetheless, concluded that it had "no concerns" with Kruse and stated that he would "ensure [the dogs transferred to him] are taken care of." *Record release in response to ASPCA FOIA request no: 2021-APHIS-05709-F*. Agency records indicate that 199 dogs transferred from Gingerich to Kruse were euthanized in one day almost immediately after transfer. That the USDA would place any trust in Kruse, given his long history of violations, is inexplicable and extremely disconcerting.

Many of the remaining dogs on Gingerich's property perished, including Golden Retriever #142 (posthumously named Goldie), after whom Goldie's Act is named. Hundreds more lived in constant fear and pain, lacking proper access to clean food and water, veterinary care, and acceptable housing. Once again, because of the DOJ's intervention as well as assistance from local law enforcement and various animal welfare organizations, over 500 maltreated dogs were rescued. The USDA chose to waive all monetary penalties against Gingerich, even after a federal judge determined that "the health of the dogs housed at [Gingerich's] facilities [were] in serious danger." *United States v. Gingerich*, 4:21-cv-00283 (S.D. Iowa Sept. 28, 2021). The court described the medical care the dogs received as "shockingly inadequate" and the food and water at Gingerich's facilities as "no better." *Id.*

The aforementioned cases are not outliers but are rather the status quo. In Fiscal Year 2022, the USDA licensed over 13,000 entities, and more than 3,000 violations were recorded across those facilities. For licensed dog dealers alone, over 800 AWA violations were documented; however, not a single dog dealer's license was suspended, no penalties were imposed through a settlement, and not one animal was removed, despite documented inadequate and inhumane conditions.

Congress has repeatedly admonished the USDA for its problematic policies of non-enforcement, but the agency continues to act as an arm of the same industry that it has been entrusted to regulate. Congress must act now to ensure that the intent of the AWA is not further undermined and that deference to licensee interests does not outweigh animal welfare.

Goldie's Act is a necessary and commonsense solution that addresses the agency's longstanding practice of ignoring its enforcement responsibilities and permitting bad behavior. This lifesaving bill would require the USDA to take animal welfare conditions seriously and require intervention when animals are suffering. Likewise, it would require meaningful penalties for violations as well as timely communication with local law enforcement when animal welfare concerns arise.

There are currently a quarter of a million dogs in licensed commercial dog breeding facilities that desperately need the protections that Goldie's Act would provide. For far too long, the USDA's policies have failed these dogs. We urge you to include Goldie's Act in the upcoming Farm Bill to prevent other dogs from meeting the same tragic fate.

Sincerely,

The American Society for the Prevention of Cruelty to Animals (ASPCA)