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Kevin Shea
Administrator Animal and Plant Health Inspection Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250
kevin.a.shea@usda.gov

Dear Mr. Shea:

We are deeply concerned by the agency's failure to act on the complaint we sent to you and to Dr. Goldentyer on May 17 regarding USDA licensee Steve Kruse. Since May, the USDA has documented further *serious and uncorrected violations* at facilities owned and operated by Kruse, including dogs suffering from untreated and painful injuries despite repeated direction to provide veterinary care. We urge the agency to exercise its authority and *obligation* to protect the over 800 dogs in Kruse's control by moving to immediately suspend Kruse's license and confiscate dogs found suffering, including but not limited to dogs identified in August 2022 (Pomsky #14, "Poo" #10, Ori-peis #26 and #32 and Shiba Inu #108).

Our original complaint (attached) described in detail the long and problematic history of animal welfare violations documented at Kruse's facility; direct interference with inspections and questionable business practices which appear intended to skirt oversight. As required by USDA, we then submitted a FOIA request to determine what action, if any, was taken as a result of the complaint. The agency responded on August 12 and indicated, in short, that the case would not be investigated.

Nevertheless, USDA continued to document serious and uncorrected animal welfare issues at Kruse's facility including a direct violation recorded in June 2022 for failing to provide veterinary care. Dogs were found with painful injuries to the feet and eyes that were not being treated. They were unable to stand or walk properly on metal grated flooring. No enforcement was taken as a result on this violation.

Also in June, 2022, Woody Wiley, who was licensed by USDA as a commercial breeder on a property owned by Kruse, canceled his license and stated that he "signed all the dogs over to Steve Kruse." There were over 300 dogs on the property in May 2022 when he was documented to be failing to provide veterinary care *for a second time*. It is not clear where the dogs are currently and if the dogs noted as suffering from untreated injuries have been re-

inspected by USDA. Despite these serious violations, which are directly causing animals to suffer, no action has been taken by USDA to ensure the humane care and treatment of animals in Kruse's care.

On August 17, 2022, as part of Kruse's application to be relicensed, APHIS conducted another inspection of Kruse's facilities. As you are well aware, the agency made a change to the regulations in response to criticism that applications for license renewals were "rubberstamped" by the USDA. The current regulations provide in relevant part:

Demonstration of compliance with standards and regulations.

(a) Each applicant for a license must demonstrate that his or her **location(s)** and any animals, facilities, vehicles, equipment, or other locations used or intended for use in the business comply with the Act and the regulations and standards set forth in parts 2 and 3 of this subchapter.

§ 2.3 (emphasis added).

As further explained by an APHIS tech note, the new rule now requires licensees to proactively demonstrate "100%" compliance with the Act by passing a relicense inspection as a condition of license renewal¹. Thus, the rule is clear that each of an applicants "*locations*" must entirely comply with the Act and the regulations. At this August inspection, however, APHIS inspectors documented Kruse's failure to provide veterinary care and described dogs suffering from untreated foot and eye conditions, including at least one dog who was observed by the same inspector in June for the same condition. It appears this dog went untreated for two months, despite representations that care was provided immediately after the June inspection.

Inexplicably, despite these conditions, the agency not only failed to confiscate this dog, as it clearly has authority to do, but also determined that Kruse met the conditions for re-licensure.

As such, USDA is not merely failing to act to act in the interests of the animals is it charged with protecting. USDA is now abetting ongoing animal suffering – as it did in the Gingerich case where its inspectors *knowingly* allowed a Golden Retriever to suffer for months – and issuing licenses in a manner that is arbitrary, capricious, and contrary to law.

Mr. Shea – at a minimum, APHIS must reverse course immediately and use its authority under 9 CFR § 2.129 to confiscate any dog owned, leased or otherwise under the control of Steve Kruse who are suffering as a result of violations of the AWA and suspend Kruse's license for 21 days for violations of the AWA as authorized by 7 U.S. Code § 2149 (a).

By copy of this letter, the ASPCA also requests that the Department of Justice and USDA's Office of Inspector General initiate an investigation into this matter, including an investigation of the USDA personnel responsible for approving the re-issuance of Kruse's license despite his *documented failure* to demonstrate compliance with the Act.

¹ <https://www.aphis.usda.gov/animalwelfare/downloads/awa/amendments/licensing-changes-under-2020-licensing-rule.pdf>

Sincerely,

A handwritten signature in black ink, appearing to read "R. G. Hensley, Jr." with a stylized, cursive script.

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ASPCA