

APHIS' Enhanced Animal Welfare Act Enforcement Plan

The Animal Welfare Act (AWA) requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. The AWA is enforced by APHIS' Animal Care (AC) program and the Investigative and Enforcement Services (IES) unit of APHIS' Marketing and Regulatory Programs-Business Services program.

The following provides further information regarding APHIS' action plan to improve AC's regulation of dog dealers—particularly those who are repeat offenders—and respond to the 14 audit recommendations issued in May 2010 by USDA's Office of the Inspector General (OIG). APHIS plans to post this information on APHIS' Web site at www.aphis.usda.gov in the near future. Overall, the action plan includes: a shift from an education focus for problematic dealers to an enforcement focus, improved inspector performance, and regulation of the Internet sale of dogs. Some of the actions were instituted before the OIG audit was issued.

On the enforcement front, in the past 2 years APHIS has more than doubled the number of AC investigations initiated, from 406 in fiscal year (FY) 2008 to 874 in FY 2010. As of February 25, 2011, APHIS had 202 open AWA investigations involving dog dealers. Of those, 113 are open investigations at the field level, and 89 are completed investigations that are pending review for appropriate enforcement action.

Moreover, since the OIG issued its audit report and as of May 31, 2011, APHIS has initiated 277 enforcement actions involving dog dealers. Of these actions, 254 were official warnings, 8 were monetary stipulations, 9 were stipulations wherein the licensee agreed to the revocation of his/her license and 6 involved formal administrative decisions and orders. In accordance with OIG's recommendation, APHIS has also increased the average paid monetary stipulation from \$3,713 (per the OIG audit) to \$10,178 as of May 31, 2011. These activities illustrate APHIS' commitment to moving more swiftly, consistently, and effectively in responding to animal welfare violations.

Immediate Actions: (Completed)			
Goal	Tasks	Status	Comments
Develop “Inspection Requirements”. This action will improve consistency in AC inspectors’ approach for inspections.	AC provided its employees with guidance regarding all enforcement action options including direct and serious Non-Compliant Items.	Completed	Guidance given to AC employees April 19, 2010, during National Meeting.
	The document was distributed to all AC employees for discussion during the National Meeting, April 19-22, 2010.	Completed	Document distributed April 19, 2010, during National Meeting; also, document loaded on all inspectors’ computers for their reference, and part of orientation for new employees.
Intermediate Actions (Within 6 Months)			
Goal	Tasks	Status	Comments
Improve citation and documentation of violations: This action will lead to AC conducting stronger investigations and increase the likelihood of successful enforcement actions.	AC established a communication system to convey pertinent inspection and enforcement information to inspectors on a regular basis.	Completed	AC Regional Offices are providing information to impacted States as well as sharing information with all inspectors through weekly e-mail updates. Management has met face to face with inspectors in the major kennel areas.
	AC will increase training to all inspectors on citing and documenting violations, which will increase the likelihood of Agency success with litigated actions.	Completed	Training conducted during the April 19, 2010, National Meeting. Also, information on citing and documenting violations is included in Inspection Requirements Document. AC and IES held joint training in September, 2010 for new inspectors and investigators. AC will continue training during future mini-meetings, webinars and ride-along activities.
Develop a plan for improving enforcement: This will result in quicker, more consistent action against those in violation of the AWA	APHIS realigned its IES’ enforcement component to create a separate Animal Health and Welfare Enforcement Branch to, among other things, improve specialization in AWA-related	Completed	APHIS realigned IES by creating an Animal Health and Welfare Branch in January 2010.

enforcement and the timeliness of enforcement actions.		
AC reviewed and clarified confiscation processes for animals that are suffering.	Completed	An inspection guidance document was loaded on all inspectors' computers and discussed during the National Meeting on April 19, 2010. A guidance document, providing further clarification, was developed by AC and coordinated with IES in September 2010.
AC will develop formal procedures for referring alleged violations to State or local officials that have felony laws for animal cruelty.	Completed	Standard Operating Procedures are in place as of July 2010.
AC reemphasized to inspectors when to cite a violation as a repeat violation.	Completed	Information was also included in the Inspection Requirements Handbook provided to all inspectors during the April 19, 2010, National Meeting. Continued emphasis through education and supervisory review will be ongoing.
AC will prioritize and more closely monitor investigations and enforcement actions involving dealers to promote timeliness.	Completed	AC conducts a quarterly update review, and IES continually prioritizes and monitors investigations and enforcement actions.
AC will require 100 percent supervisory review of AWA investigations to improve the quality and consistency of AWA investigations and resulting enforcement actions.	Completed	AC has reviewed all AWA investigations for several years.
IES will ensure that unresolved penalties are quickly referred to the Office of the General Counsel (OGC) for formal administrative action.	Completed	IES has ongoing review for referral.

AC clarified the following terms to the inspectors: “repeat violators,” “chronic violators,” and “problematic breeders” to ensure consistent enforcement.	Completed	Terms were clarified during the National Meeting on April 19, 2010. Further documentation was sent to inspectors in May 2010. A list of direct violations was developed so inspectors can be consistent with how they cite violations. In addition, clarifications have been incorporated into the Consolidated Inspection Guides.
AC will hire a kennel specialist specializing in shelter medicine.	Completed	The Kennel Specialist started with AC on October 11, 2010.
APHIS will develop a new Investigation Tracking and Enforcement Management System that, when implemented, will significantly improve APHIS’ oversight and monitoring of AWA-related investigations and enforcement actions.	Pending, estimated completion – February 2012	System in test phase. Coordination with IES to take place.
APHIS’ Center for Animal Welfare will: Develop pre-license inspection training modules for new licensees.	Completed	Iowa State refined final version prior to release.
APHIS’ Center for Animal Welfare will: Collaborate with State regulatory groups to develop better educational tools and requirements for licensure.	Completed	One of AC’s objectives and ongoing activities is to build partnerships. AC held forum with States and Tribes to discuss strategic collaborative strategies for improving the welfare of animals in kennels. Continue to hold Canine Care Workshops. Held or are holding individual State/Federal collaborative meetings with the following states: Colorado, Iowa, Kansas, Missouri, Nebraska, and Oklahoma.
APHIS’ Center for Animal Welfare will: Evaluate the benefit of giving credit to licensees for attending AC-approved educational meetings.	Ongoing	Exploring Continuing Education credits for educational courses held through the Center for Animal Welfare.
APHIS’ Center for Animal Welfare will: Help establish liaisons with breeder associations to encourage improvement	Ongoing	AC Management has met with Pet Breeder Associations from Missouri, Kansas, Iowa, and Oklahoma.

	through peer-pressure and to maintain compliance above the minimum standards.		Working to develop a program where brokers will not purchase from facilities with direct violations.
Establish a new table of penalties to increase penalties. This action will provide a greater deterrent to violating the AWA.	AC will update the table of penalty guidelines.	Completed	Penalty guideline table updated in July 2010.
	AC will conduct an analysis of the effectiveness for the different types of sanctions. Consider that different sanctions may work more effectively based on the type of facility.	Completed	Analysis plan has been developed and data gathering is in process
	AC will designate a senior-level employee to ensure penalty calculations are consistent and in accordance with program guidelines.	Completed	Headquarters National Enforcement Coordinator Position filled in January 2011. Will work with IES Animal Health and Welfare Branch Chief.
Publicize violations of the AWA. This action will provide a greater deterrent to violating the AWA.	APHIS will begin issuing monthly press releases announcing enforcement actions taken to address violations of the Animal Welfare and Horse Protection Acts.	Completed	First press release issued in June 2010. Subsequent releases are issued monthly.
Improve supervision of inspectors. This will provide greater oversight of inspectors, who are isolated from their supervisors, resulting in more consistent inspector performance.	AC will identify the current distribution of resources and workloads.	Completed	Initially completed in April 2010. Resources and workload are reassessed continually.
	AC will evaluate and modify the supervisory structure.	Completed	Evaluation of supervisory structure completed April 2010. Placed a supervisor in Ohio. In process of hiring supervisors in Iowa and Nebraska.
	AC will identify inspectors who are not performing quality inspections using the steps below: <ol style="list-style-type: none"> 1. Statistical analysis of inspection data. 2. Supervisory review of inspection reports, enforcement requests and photographs. 3. Supervisory analysis during inspection. 4. Supervisory review of time and 	<ol style="list-style-type: none"> 1. Completed 2. Completed 3. Completed 4. Completed 	<ol style="list-style-type: none"> 1. Completed June 30, 2010, ongoing. 2. Completed July 31, 2010, ongoing 3. Completed July 31, 2010, ongoing. 4. Ongoing activity.

	<p>activity reports.</p> <p>5. Unannounced reviews of facilities subsequent to the inspector's activities.</p>	5. Completed	<p>5 Standard Operating Procedure completed. Reviews are ongoing.</p>
	<p>Feedback from enforcement actions by investigators, OGC attorneys, and Administrative Law Judges, as available.</p>	Completed	<p>Webinar in April 2011 focused on enforcement actions. Continual ongoing feedback will be sought as available.</p>
	<p>AC will add Regional Enforcement and Compliance Specialist positions to support the additional enforcement responsibilities of the supervisors.</p>	Partially completed	<p>National Enforcement Coordinator at Headquarters and Regional Enforcement and Compliance Specialist in the Western Region started in January 2011. Currently recruiting the Regional Enforcement and Compliance Specialist for the Eastern Region.</p>
<p>Improve the quality of inspections. This action will lead to greater consistency in inspections and increased accountability for inspectors.</p>	<p>AC provided and discussed with employees at the National Meeting (April 19-22, 2010) a document, "Inspection Requirements Handbook," regarding all enforcement action options.</p>	Completed	<p>Completed during National Meeting, April 19, 2010.</p>
	<p>AC removed "no action" as an enforcement option and added a requirement that management will review enforcement actions for repeat or serious violations.</p>	Completed	<p>Completed during National Meeting, April 19, 2010.</p>
	<p>AC will update and consolidate all Inspection Guides into one comprehensive document.</p>	Completed	<p>Consolidated Guidelines were sent to the inspectors and released to the public in April 2011. Guidelines may be found on Animal Care web page.</p>
	<p>AC will add technical specialist positions to support inspection and enforcement of licensed facilities and conduct pre-license inspections.</p>	Partially completed	<p>Hired three of nine Compliance Specialist positions in March 2011. Other positions have been submitted with request for necessary funding.</p>

	AC will modify the parameters in the Risk-Based Inspection System (RBIS) to increase the frequency of inspections of problematic dealers.	Pending	Modification is on hold pending acquiring the necessary resources to implement RBIS revision.
	AC will require team inspections when an unsatisfactory inspection has been documented at problem facilities.	Completed	Implementation is constrained based on available resources. Exceptions are based on risk analysis.
	AC will develop and implement a required quality assurance review process.	Completed	Standard Operating Procedures are in place. Process implemented in September 2010 and is ongoing.
Longer Term Actions:			
Goal	Tasks	Status	Comments
Implement an improved training program for AC employees. The result of this program will improve inspector performance, accountability, and consistency of inspections.	AC will train supervisors to identify subpar work by inspectors.	Completed	Training completed in June 2010. Annual training required for all supervisors.
	AC will coordinate training for new hires to occur within the same timeframe.		First wave of new hires training completed September 2010.
	AC will ensure current inspectors are knowledgeable regarding new inspection and enforcement procedures.	Completed	Training completed during National Meeting, April 19, 2010. Ongoing emphasis throughout the year.
	AC will provide leadership training for supervisors.	Completed	Needs assessment and supervisory training are ongoing. A 360 assessment for supervisors has been scheduled.
	AC will implement a peer review program for both inspectors and supervisors.	Partially completed	Standard Operating Procedures are in place for inspectors.
	AC inspectors will participate in joint inspections during the course of the year and will provide constructive feedback on their colleagues through a confidential survey to the supervisors. The supervisor	Completed	Process is completed.

	<p>can then use the feedback to guide their inspectors on improving their inspection and enforcement activities.</p>		
	<p>AC supervisors will work with other supervisory teams to improve consistency, share techniques, and evaluate inspection methods. This may include joint inspections with inspectors supervised by another Supervisory Animal Care Specialist. The supervisors will work together on a rotating basis to address personnel and technical issues regarding their employees.</p>	<p>Completed</p>	<p>Process will focus implementation for new Supervisory Animal Care Specialists.</p>
<p>Develop regulations regarding Internet sales. This will transpire once legislation is passed to close a loophole in the law and enable APHIS to regulate this area of the industry.</p>	<p>APHIS will develop an implementation plan for regulating Internet sales of dogs and any other provisions in the legislation.</p>	<p>Pending</p>	<p>USDA has determined that it has legislative authority to regulate Internet sales. A proposed rule will be submitted for departmental clearance in spring 2011 and published in the Federal Register for public comment in fall 2011.</p>