

1 United States Department of Agriculture
2 Animal and Plant Health Inspection Service

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Third-Party Inspection and Certification
Listening Session

Thursday, February 8, 2018
1:00 p.m. to 5:00 p.m.

USDA, APHIS
4700 River Road
Riverdale, MD 20737

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1 P R O C E E D I N G S

2 MR. MIKE TUCK: Good afternoon and
3 welcome to the second Listening Session APHIS,
4 Animal Care is holding to gather your comments to
5 aid in the development of criteria for recognizing
6 the use of Third-Party Inspection and
7 Certification Programs as a positive factor when
8 determining APHIS Inspection frequencies at
9 facilities licensed or registered under the Animal
10 Welfare Act.

11 My name is Mike Tuck, and I am from the
12 APHIS Center for Animal Welfare and will be
13 facilitating this session. In addition to this
14 session, we have planned in-person sessions in
15 Kansas City, Missouri on February 22nd and Tampa,
16 Florida on March 8th. We also have a phone-in
17 session scheduled for March 14th for those unable
18 to attend in person. Additional details on these
19 sessions can be found on the APHIS, Animal Care
20 webpage. Written comments can also be sent to
21 USDA, APHIS, Animal Care, 4700 River Road,
22 Riverdale, Missouri 20737.

1 For this session, my role as facilitator
2 is to make sure everyone has an opportunity to
3 express their views. Therefore, it is vital that
4 everyone remains quiet during the talks. This
5 includes turning your cell phone off or putting it
6 on mute. If you have to take a call, please do so
7 out in the hall. Hopefully, everyone registered
8 at the table outside and indicated whether you
9 wish to speak. I will call you up to the podium,
10 and you will have 5 minutes for your comments. I
11 will stand to let you know you have 30 seconds to
12 finalize your comments. In addition, your
13 comments will be recorded, and a transcription
14 placed on the Animal Care web page within a couple
15 of weeks.

16 At this time, we are here to listen to
17 your comments and will not be responding to any
18 comments or questions.

19 MS. JANE BROENDEL: Good morning, I am
20 Jane Broendel representing the ASPCA. "I am in
21 favor of animal rights as well as human rights,
22 THAT is the way of a WHOLE human being." These

1 words are not my own. Rather, they belong to our
2 much honored and respected 16th President, Abraham
3 Lincoln.

4 Animals experience pain, anxiety, and
5 suffering -- physically and psychologically --
6 when they are subjected to captivity, social
7 isolation, physical restraint, or painful
8 situations in which they cannot escape. But, they
9 cannot voice neglect and/or abuse they are
10 subjected to. Rather, it is up to us, the people,
11 or in this case, the USDA, which is part of our
12 government, the people's government, to ensure it
13 meets its obligation to serve the public interest.
14 What is that interest? To ensure animals used
15 commercially are provided with humane care and
16 treatment in order to ensure, if not a happy life,
17 at least one as free of physical and emotional
18 neglect and/or abuse as possible.

19 In order to ensure the Animal Welfare
20 Act, which was meant to provide for the above, is
21 enforced, the USDA must not abdicate its
22 responsibilities. It must not recognize the so-

1 called certification/accreditation/inspection
2 programs run by third-party, non-government
3 organizations that have a vested interest in the
4 continuation of traditional exploitative
5 practices. Pardon the animal reference in this
6 case, but this is like putting the fox in charge
7 of the henhouse or, maybe better put, at least in
8 this forum, Dracula in charge of the blood bank.
9 It does not work. It won't work. The Office of
10 Inspector General has stated so in the past, and
11 nothing has changed to convince me otherwise.
12 Let's not put hundreds of thousands of animals at
13 further risk.

14 Anything short of a federal inspector
15 being employed to enforce a federal law diminishes
16 the effectiveness of that law. In fact, the USDA
17 should perform more unannounced inspections, not
18 less, and provide for transparency on its website
19 so the public may be better informed of violations
20 of the Animal Welfare Act. Relinquishing control
21 to third parties who will perform few inspections
22 and those inspections announced in ADVANCE will

1 not ensure animals are treated humanely. It is a
2 slap in the face to the 55-year-old Animal Welfare
3 Act.

4 Let's remember Mahatma Gandhi's words,
5 "The greatness of a nation and its moral progress
6 can be judged by the way its animals are treated."
7 Let's go forward, USDA, not backward.

8 MS. KATHLEEN CONLEE: I am Kathleen
9 Conlee, Vice President for Animal Research Issues
10 at The Humane Society of the United States. I am
11 speaking on behalf of HSUS specifically in regard
12 to the oversight of registered research
13 facilities. I appreciate the opportunity to speak
14 today.

15 I have the experience of working for
16 several years at a primate breeding and research
17 facility that was inspected at least annually by
18 the USDA. Our facility was also accredited by the
19 Association for the Assessment and Accreditation
20 of Laboratory Animal Care International, known as
21 AAALAC, which is a private nonprofit accrediting
22 body.

1 With this personal experience in mind, I
2 feel very strongly that it is imperative that
3 inspections of research facilities be carried out
4 by the USDA officials at least annually, as
5 currently required by the Animal Welfare Act.

6 I will briefly share the reasons behind
7 this, and more detailed information will be
8 submitted in writing by our organization.

9 The fact that inspections were
10 unannounced played a crucial role in the USDA
11 seeing problems at the facility firsthand that
12 couldn't be covered up in anticipation of a visit.
13 as someone at the facility who fought for better
14 care for the animals, I was thankful when USDA
15 violations compelled changes.

16 AAALAC site visits were planned well in
17 advance and were only carried out every three
18 years. This remains the same today.

19 AAALAC doesn't use the Animal Welfare Act
20 or corresponding standards when assessing
21 facilities. The organization uses the Guide for
22 the Care and Use of Laboratory Animals and two

1 other standards. They do, however, use USDA
2 inspection reports as part of their assessments.

3 AAALAC Council (those making decisions
4 about accreditation) are members of the research
5 community. Therefore, the community would be
6 policing itself. Self-policing is an utter
7 failure when it comes to protecting animals.

8 AAALAC keeps all of their findings
9 confidential. Therefore, there is no public
10 accountability.

11 AAALAC doesn't have a mechanism for
12 formal enforcement such as penalties. The one
13 consequence is loss of accreditation, but it is
14 unclear how this determination is made.

15 The USDA's Office of Inspector General,
16 on the other hand, places great emphasis on the
17 importance of monetary penalties to drive
18 compliance with the AWA. Increasing penalties is
19 one way that the USDA can address question #5 put
20 forth in regard to how APHIS can improve the
21 effectiveness of its AWA program.

22 As just one example, the HSUS carried out

1 an undercover investigation at Texas Biomedical
2 Research Institute, which revealed serious welfare
3 problems, and the facilities has been cited for
4 numerous Animal Welfare Act violations by the USDA
5 over the years. Despite this, the facility
6 remains AAALAC-accredited.

7 Overall, it is clear that AAALAC
8 accreditation or any other third-party mechanism
9 cannot and should not be a substitute for
10 thorough, annual USDA inspections at research
11 facilities at least annually.

12 Finally, I want to stress that the HSUS
13 every year leads efforts to increase budgetary
14 support for Animal Care. In 2017, a bipartisan
15 group of more than 220 US Senators and
16 Representatives urged funding for enforcement,
17 restoration of USDA records online for public
18 accountability, and consequences for those who
19 violate the Animal Welfare Act.

20 We will continue to do our part, and we
21 urge you not to lessen yours.

22 MR. JOHN GOODWIN: Hello everyone. My

1 name is John Goodwin, and I'm the senior director
2 of the Puppy Mills Campaign at the Humane Society
3 of the United States.

4 About one year ago today, the USDA
5 removed all of the animal welfare inspection
6 reports from the website -- the APHIS website,
7 and, while some of those were put back online, the
8 vast majority available only in severely redacted
9 form. For most commercial dog breeding
10 operations, no one has any way of knowing who has
11 direct violations, who has a perfect record, and
12 who has minor violations. This assault on
13 transparency has undermined eight state laws that
14 were designed to prevent the worst kennels from
15 selling to pet stores.

16 Apparently, that was the first part of a
17 one-two punch against the integrity of the Animal
18 Welfare Act. First, transparency was erased.
19 Now, the agency is considering third-party
20 inspections. Third-party inspections have been a
21 total flop with the Horse Protection Act, and this
22 situation can only be made worse now that

1 inspections are largely occurring in the dark, far
2 from public view.

3 I'm not sure which entities support this
4 proposal. I would say that there is some irony in
5 the fact that these attacks on the integrity of
6 the Animal Welfare Act, first through the purging
7 of inspection records from your website and now
8 this is that these actions frustrate state and
9 local officials and move them toward action.

10 To date, over 250 municipalities have
11 banned the sale of commercially raised puppies in
12 pet stores, and the state of California enacted a
13 similar bill in October of last year. This year,
14 half a dozen other states are considering similar
15 legislation from blue states like Oregon to red
16 states like Nebraska. We're in regular contact
17 with legislators who are considering these sorts
18 of proposals, and the subject of USDA licensed dog
19 breeding facilities always comes up. Every move
20 that undermines the Animal Welfare Act makes it
21 easier for us to enact those sorts of laws that
22 said I'd rather have a stronger Animal Welfare Act

1 than a strong talking point. This proposal is a
2 lose-lose proposition for animal protection
3 organizations that care about the well-being of
4 animals. It's a lose-lose proposition for people
5 in various industries who frankly benefit from
6 confidence in the Animal Welfare Act and Animal
7 Welfare Act enforcement.

8 And, I want to make one more reminder to
9 people who may be open to this idea.
10 Administrations change. The sort of entities that
11 could be given third-party inspection powers in
12 this administration -- it may be different in
13 another administration. That has the effect of
14 politicizing this process. We already have too
15 much politicization of law enforcement agencies in
16 the United States today. We don't need that to
17 extend further with the USDA.

18 I would argue that this concept is
19 fraught with problems, and I would urge the USDA
20 to reject this idea.

21 MS. MARGARET KEATING: Hi, my name is
22 Margaret Keating, and I'm just a little person. I

1 got the information to come here through PETA, but
2 I'm just representing myself pretty much. And,
3 I'm not going to talk long because I don't have
4 the experience of all these wonderful people who
5 came before me, every point of which I agree with.

6 The only thing I would say is when you go
7 into the third-party people, who is to know who
8 they represent. Do they represent the industry?
9 More than likely, they would, I would assume. So,
10 we're not accomplishing anything. So, it seems to
11 me all the questions in the front here that want
12 information on these third-party people, let's
13 just get rid of them, and we don't even have the
14 questions. Let's just go with more inspectors
15 from USDA and more punch to the laws that are
16 there and not try to eviscerate the laws that we
17 have. Those laws were -- people worked very hard
18 to get those protections for the animals, and it
19 seems as if what we're doing is going backwards.
20 Thank you very much.

21 MR. MIKE TUCK: Okay. Could I have Sue
22 Leary? Have a seat here. David London? Ryan

1 Merkley? Morgan Miller?

2 MS. SUE LEARY: Hi, my name is Sue Leary.

3 I'm President of the American Anti-Vivisection

4 Society and also President of Alternatives

5 Research and Development Foundation, two other

6 affiliations that are somewhat relevant for this

7 discussion because they involve certification and

8 accreditation programs. I'm also Chair of the

9 Coalition for Consumer Information on Cosmetics,

10 and also I'm on the Board of the Global Federation

11 of Animal Sanctuaries and have been since 2008.

12 So, I do have some experience with accreditation

13 programs and certification programs. My

14 experience, unfortunately, does not point to the

15 advantages of using those programs as criteria,

16 although I do know that some state laws use GFAS

17 as criteria to establish whether or not a

18 sanctuary is an appropriate place to have an

19 animal go, and we appreciate that, and I'm not

20 speaking on behalf of GFAS or CCIC. But, I'm just

21 trying to draw on my personal experience.

22 I don't think there is any substitute for

1 the government. Law enforcement is law
2 enforcement, and that's what's taken most
3 seriously by any institution. The accreditation
4 and certification programs are optional, and
5 they're not going to be viewed in the same way at
6 all. I'm somewhat familiar with AAALAC
7 accreditation because of my years of experience in
8 this movement, and I would have to agree with the
9 previous speakers. Katie's experience certainly
10 rings true with what we've seen. It's -- AAALAC
11 accreditation is not any reason to have criteria
12 of a lower bar or some kind of accommodation for a
13 research institution to have a pass or, you know,
14 in any way change the priorities of the
15 inspection.

16 I understand what you were saying earlier
17 that perhaps it doesn't mean there won't be an
18 inspection, but it does certainly imply that if
19 you have this accreditation or certification, that
20 the inspection would change, and I think, in fact,
21 we need to strengthen the inspections and not
22 weaken them in any way.

1 As Katie mentioned, the AAALAC inspection
2 is one visit every three years. It's a site
3 visit, it's not an inspection, and it's announced.
4 And, those are big differences and very
5 significant differences.

6 The transparency issue is also something
7 that is very important to us. I know that our
8 experience with accreditation and certification
9 programs is that the information that is provided
10 is private, and we need to know more, as Mr.
11 Goodwin said, not less about what's going on with
12 facilities that are using animals.

13 So, we're in support of this proposal,
14 and I can't really say in terms of the fifth
15 question -- I know you're very interested in
16 what's the opportunity for APHIS to improve its
17 program. I think that certainly some of the
18 things that have come up in audits in recent years
19 are worth revisiting, increasing penalties, and,
20 of course, from the perspective of our
21 Alternatives Foundation, the compliance with the
22 alternative searches is something that needs to be

1 looked at and strengthened, and we'd be happy to
2 help with that. That's all. Thank you.

3 MR. RYAN MERKLEY: Good afternoon, my
4 name is Ryan Merkley. I'm the Director of
5 Research Advocacy for the Physicians Committee for
6 Responsible Medicine, a national nonprofit with
7 12,000 doctor members and 175,000 members
8 nationwide. Because we advocate for the
9 replacement of animals in research testing and
10 training, I'm going to be talking today about this
11 plan as it would relate to the oversight of
12 registered research facilities.

13 I'm here simply and strongly to voice our
14 objection to this plan. We believe that this
15 would effectively put, or could assist in putting,
16 oversight of research facilities in the hands of
17 the very people who would be overseeing
18 themselves.

19 I'm going to say a couple of things about
20 AAALAC, and I won't tell you the name of the
21 organization or spell it out because you've
22 already gone over that and how long it is. But,

1 the third party that most likely would oversee
2 research facility inspection or assist USDA, as
3 Bernadette said, would be AAALAC. So, it's worth
4 noting a couple things about AAALAC.

5 I would like to point out that the
6 Council on Accreditation of AAALAC consists of 60
7 people at research facilities who are thus
8 accredited by AAALAC, and of those 60 people, 27
9 US facilities are represented. So, I think it's
10 important to note that Emory University's Chief
11 Veterinarian is among those 27 facility
12 representatives. So, let's take a look at what's
13 happened at Emory over the last couple of years.

14 In January of 2015 at Emory, a macaque
15 underwent a procedure to apply an identifying
16 tattoo. The animal started moving abnormally and
17 then developed signs of neurological problems and
18 respiratory distress. The macaque was euthanized,
19 and it was determined that the staff had failed to
20 remove a rubber band applied during the tattooing
21 procedure.

22 A few months later in December of 2015, a

1 separate macaque was euthanized after he became
2 severely ill. The necropsy found a piece of
3 sterile gauze had been left in his abdomen during
4 a recent surgery, which caused adhesions and
5 intestinal obstruction.

6 A year and a half after that in July of
7 2017, Emory proudly announced on its website that
8 it had received full AAALAC accreditation and had
9 said that AAALAC's correspondence to them
10 commended Emory for its high professionalism,
11 demonstrable collegiality, and programs and
12 infrastructure in support of research. That was
13 in July of 2017.

14 The very next month at Emory in August, a
15 non-human primate underwent a nephrectomy, and
16 seven days later had to be referred for surgery
17 again because a gauze sponge had been found inside
18 the animal.

19 It's hard to say that AAALAC
20 accreditation leads to reduction in Animal Welfare
21 Act violations. This is, as many people have
22 said, the fox guarding the henhouse.

1 And, Emory is not an outlier. Habitual
2 violators of the Animal Welfare Act are routinely
3 awarded accreditation by AAALAC, which begs the
4 question, if USDA hands over part of its authority
5 to AAALAC, who is going to be looking after
6 AAALAC?

7 AAALAC visits accredited facilities, as
8 has been noted, once every three years. These are
9 announced site visits, which are in drastic
10 comparison to USDA's current unannounced annual
11 inspections. AAALAC openly prides itself in
12 carrying out "confidential peer reviews," which
13 raises serious issues of accountability to the
14 American taxpayers and also raises some questions
15 about transparency. And, I'll just ask too, will
16 AAALAC site visit records be provided to USDA, and
17 will site visit records be made available to the
18 public through the USDA Animal Care public search
19 tool?

20 Considering AAALAC's priding of his
21 confidentiality with accredited facilities, it's
22 hard to believe that they would want those records

1 made public and made public openly. Without such
2 transparency, it's indefensible that AAALAC would
3 be given any authority at all akin to what USDA
4 has.

5 We should also point out concerns with
6 USDA's own problems enforcing the Animal Welfare
7 Act have been noted today and in recent years by
8 the Office of the Inspector General. USDA is
9 legally required to inspect every research
10 facility at least once per year, and Bernadette,
11 I'm going to cite something you said recently,
12 which is seemingly at odds with what you mentioned
13 this morning. At an ILAR Harvard Law Roundtable a
14 few weeks ago, you said that USDA is considering
15 having less thorough inspections and possibly
16 announcing inspections in advance. That seems to
17 be at odds with what we're discussing here today
18 and what was put forth, so I would like the USDA
19 to, at some point, address what it is considering.

20 We understand that the Whit House and
21 Congress has put before USDA a mandate to reduce
22 "regulatory burden," but we don't believe that the

1 agency doing less and putting the lives of animals
2 in labs in the hands of the very regulated
3 community is the right way to proceed with
4 addressing that. Thank you so much.

5 MR. DAVE LONDON: My name is Dave London.
6 I'm a private citizen, and I'm very concerned
7 about this matter. The inspections under the
8 Animal Welfare Act should be done by the
9 government with highly trained inspectors. It
10 should be always unannounced with no minimums so
11 facilities can't say, oh, we've been inspected for
12 this this year, now we're good. But, it also
13 should not be supplemented with private businesses
14 and industries doing inspections because that's
15 going to muddy the waters, and it will muddy the
16 waters intentionally.

17 A number of years ago, I was on a state
18 commission, and we were investigating research on
19 a certain matter, and we found that private
20 industries would create their own pseudo-research,
21 phony research, just so it would muddy the waters,
22 and people would have to say, well, there's two

1 sides to this, and that's exactly what would
2 happen here.

3 The inspections must be government only,
4 and you know darn well that private businesses
5 that are going to do these are industry created,
6 and they're going to have a conflict of interest,
7 and you're going to have a corrupt system. And,
8 it's going to just create a real disaster for you.

9 So, I want to emphasize that I agree with
10 those people who spoke so far, and I don't want to
11 repeat what they said.

12 I think maybe it wasn't brought up, so I
13 want to just bring up one item about self-
14 inspections. In the case of the Tennessee Walking
15 Horses, we had industry-affiliated experts -- so-
16 called experts -- doing the inspections, and they
17 were not really interested in the animal's welfare
18 or reducing suffering, they were interested in
19 just perpetuating their own barbaric practices of
20 the soring. So, that's a perfect example that
21 places cannot self-regulate, and if they are going
22 to be choosing private businesses -- and, I don't

1 know if this is going to allow them to choose them
2 themselves -- obviously, they're going to choose
3 the ones that are going to do what they want. You
4 know, it would be like me saying, well, I'm not
5 going to let a policeman tell me I can't go
6 through the red light, I'll have my brother or
7 sister do that. You know, it's just ridiculous.

8 But, I guess the main point is, it would
9 muddy the waters. It would just create excuses.
10 While you're saying we didn't do this, well, this
11 other business is saying we did, but that other
12 business has conflict of interests. You're going
13 to create a mess. Thank you very much.

14 MS. MORGAN MILLER: Hi, my name is Morgan
15 Miller. I'm here as a private citizen. I, like
16 many other people, got a puppy from an unregulated
17 breeder, and he got really sick and almost died.
18 So, that's why I'm here today, because I'm now
19 very interested in the regulation of commercial
20 breeders.

21 I strongly oppose recognizing or the use
22 of third-party programs to replace or supplement

1 USDA inspections, and here's why. One
2 disadvantage to using third-party inspections is
3 the inconsistency of standards and regulations.
4 The likelihood of finding an impartial, fully
5 transparent third-party program to support the
6 Animal Welfare Act is very low. As it stands,
7 third-party programs that I'm aware of have done
8 nothing substantial to earn the trust of the
9 public and show little to no commitment to true
10 animal welfare. If a third-party program were to
11 be used, they should be required to (a) make their
12 standards of inspection public, (b) make all their
13 inspection reports public without redacted
14 information at all, (c) have a clear and fair
15 standard of penalties for noncompliance, and (d)
16 all their veterinarians and inspectors vetted by
17 the USDA.

18 Seeing as the USDA doesn't even meet all
19 these standards, I don't see how the USDA should
20 be able to use a third party that has subpar
21 standards and practices that goes completely
22 unchecked by the public. Without the ability for

1 the public to access information and little to no
2 retribution for noncompliance, there is virtually
3 no incentive for a facility owner to comply with
4 the Animal Welfare Act.

5 In terms of encouraging compliance with
6 the Animal Welfare Act, I think recognizing third-
7 party inspections would be a huge step in the
8 wrong direction. Instead, I would strongly
9 suggest that the USDA return to full transparency
10 in terms of their inspection reports. The
11 redacted information doesn't allow for someone
12 like me to know if I am purchasing from a facility
13 that has been compliant with the Animal Welfare
14 Act.

15 Another suggestion would be to establish
16 and then implement harsher punishments for
17 noncompliance. I have seen inspection reports
18 from the same establishment dating back over 10
19 years with multiple reports of noncompliance,
20 citations, and warnings each year, yet they are
21 still in business and have been for years.

22 There should at least be higher fees or

1 more license suspensions for noncompliance. I
2 believe this would encourage compliance because it
3 gives facility owners an incentive for complying.

4 Plainly put, I don't think the USDA is
5 doing enough to protect the public from facilities
6 with unsafe practices, and they are not doing
7 enough to protect animals from unnecessary
8 suffering.

9 In conclusion, I strongly opposed the use
10 of recognizing third-party programs, and I
11 strongly suggest the USDA to spend time evaluating
12 their own practices. Thank you.

13 MR. MIKE TUCK: Okay, can I have Cristina
14 Miranda, Gina Moraz, Kerry Mullen, Heidi Osterman,
15 Renee Payne, Connie Porter, Leon Seidman, John
16 Seyjagat, and Chris Shaughness.

17 MS. HEIDI OSTERMAN: Good afternoon, my
18 name is Heidi Osterman, and I'm here as a private
19 citizen. Basically, I grew up in a small farming
20 town with the horse industry and mostly cattle
21 farming, so I'm just kind of a private citizen.
22 I've read the questions, and these are kind of my

1 thoughts reflecting on the questions.

2 So, good afternoon, and thank you, again.
3 In responding to the questions regarding the use
4 of third-party programs when determining the
5 inspection frequencies, I do not believe that a
6 reduction in the inspections would be an incentive
7 for facilities to use third-party programs, nor do
8 I believe that these programs would be an
9 effective method to support compliance. The
10 third-party programs will be businesses, even if
11 they're made accountable to the USDA, and there
12 are very critical differences between a government
13 agency and a business. A government agency is
14 more likely to be transparent and work outside of
15 the industry it is governing. A business is
16 usually run for profit -- at least some profit --
17 and it needs to be part of the industry to
18 succeed. As businesses, the third-party programs
19 will need to hire people in the industry who have
20 ties to the industry, because they understand the
21 industry, so that's a big conflict of interest.
22 And, really, they won't have any incentive or

1 reason for transparency as a business unless, you
2 know, the USDA holds them to some sort of
3 transparency.

4 Some third-party programs, again, because
5 there is money involved, they may need to charge
6 dues to keep up with their expenses, and this
7 could impose a hardship upon the different
8 facilities and create club kind of atmosphere
9 where the membership needs to pay to sustain the
10 third party instead of an independent body of
11 professionals. And, even though it would be
12 voluntary, the facilities may feel like they have
13 to join these third-party programs because it's
14 kind of a club-type thing, you know? So, that
15 could be a problem. They could feel pressured to
16 join.

17 Another crucial difference, which I find
18 extremely concerning, between a government agency
19 and private business is that businesses can and do
20 influence laws. Many business organizations have
21 political action committees with lobbyists who
22 influence their legislators and bills. If a

1 third-party program can influence laws, then it
2 can never be an independent organization, and I
3 don't see how they can do any type of inspections
4 or regulation if they're going to be, you know,
5 have a political action committee.

6 Finally, I would like to use the example
7 from the past to illustrate difficulties that
8 third-party programs have faced in the past.

9 Again, someone mentioned this about the Tennessee
10 Walking Horse Shows. The inspectors were part of
11 the industry, again, because that's where you're
12 going to get the people -- from the industry. So
13 that, again, makes for a conflict of interest.

14 Then, to make matters worse, in 2015, the
15 Fifth Circuit Court of Appeals determined that the
16 USDA could not require private inspection programs
17 to impose minimum penalties under the Horse
18 Protection Act. So, therefore, the third-party
19 programs were rendered powerless to affect any
20 kind of meaningful change if they found a
21 violation at a show. There was nothing they could
22 do -- no reason for the people to pay attention to

1 them.

2 So, it seems to me it's impossible to
3 uphold the Animal Welfare Act standards when your
4 organization has no authority to do so.

5 In thinking about other options, the only
6 option I can see would be to train independent
7 inspectors with no ties to the industry, and then
8 that's going to be an expense for the USDA. So,
9 I'm not sure how you get around that conflict of
10 interest except to use a government agency to do,
11 you know, what Congress has determined through the
12 Animal Welfare Act. To me, only the USDA can do
13 the job that Congress instructed it to do. I
14 don't see how you can get away from the conflict
15 of interest. Thank you so much for your time, Mr.
16 Tuck. I really appreciate it.

17 MS. GINA MORAZ: Good afternoon, my name
18 is Gina Moraz, and I'm the Senior Manager of the
19 ASPCA's Puppy Mills Campaign. I'm here today on
20 behalf of the ASPCA and our 6.5 million members.
21 Thank you for the opportunity to comment on
22 potential revisions to the USDA's inspection

1 protocols.

2 The ASPCA opposes APHIS' dangerous
3 suggestion that third-party inspections could
4 substitute for government inspections in any form,
5 even just for determining the frequency of
6 inspections under the Animal Welfare Act. Animal
7 Welfare Act oversight is a function of the federal
8 government and should not be outsourced to private
9 entities tied to the industry being regulated.
10 Doing so would not only endanger the lives of
11 countless animals but also undermine the efficacy
12 of the Animal Welfare Act and further erode the
13 public's trust in the USDA.

14 The USDA should abandon this ill-
15 conceived idea: first, because we know self-
16 policing has failed in the past; second, because
17 of the widespread conflicts of interest; third,
18 because this policy could result in low-quality
19 and low-frequency inspections; and fourth, because
20 this policy compromises the transparency that the
21 American public deserves.

22 First, self-policing has failed in the

1 past in APHIS' own Animal Care Division. As made
2 clear by the third parties used in horse-soring
3 inspections, self-policing is ineffective, as
4 violations are overlooked, and animals are
5 endangered. Now, in spite of a wealth of evidence
6 demonstrating its inadequacy, the department is
7 inexplicably looking to possibly extend this
8 policy to all areas of the Animal Welfare Act.

9 Second, conflicts of interests exist in
10 other industries. The breeders, laboratories, and
11 zoos regulated by the Animal Welfare Act could be
12 inspected by organizations that seek to serve
13 industry interests. Of these organizations, the
14 ASPCA isn't aware of any robust, uniform, or
15 transparent inspection programs or any that have
16 real enforcement mechanisms for poor treatment of
17 animals. For example, the American Kennel Club,
18 possibly the most widely known purebred dog
19 registration in the US, claimed to have some type
20 of regular program to visit dog breeders, but
21 there is little public information beyond that.
22 Nothing providing information on how the breeders

1 are assessed, who is making these visits, or if
2 there are any animal care standards. We do know
3 that the AKC has visited breeders in the past who
4 have kept dog in filthy, deplorable conditions,
5 but yet maintained their AKC registration. The
6 AKC's revenue is dependent on the registration of
7 puppies from these breeders -- a clear conflict of
8 interest, and exactly why inspections should not
9 be left to private groups closely tied to the very
10 industries they're inspecting.

11 The third reason APHIS should abandon
12 this idea is that the USDA should not base its
13 frequency of oversight on the judgement of
14 organizations that may conduct low-quality
15 inspections. Inspections could be infrequent,
16 superficial, and announced, giving facilities the
17 ability to appear as if they are in compliance.
18 This would create a positive feedback loop, in
19 which passing inspection at the third-party level
20 results in fewer inspections from the USDA.
21 Animals in desperate need of help would slip
22 through the cracks.

1 Finally, we must consider the effect this
2 policy will have on transparency. Transparency
3 will be lost, as third-party accrediting
4 organizations likely will not publish their
5 standards, their inspection procedures, or
6 inspection records. If these documents are not
7 available through FOIA, third-party inspectors
8 will be serving a government function, while
9 circumventing accountability to the public. The
10 disruption of public trust that the USDA data
11 blackout caused should make clear to the USDA that
12 any further infringement on the transparency of
13 the inspection process will be met with loud
14 public resistance.

15 On its face, this policy is a shameless
16 abdication of USDA's duty under the Animal Welfare
17 Act. On closer inspection, it's a threat to the
18 safety and welfare of the millions of regulated
19 animals, it's a treat to the right of the American
20 public to transparency and open government, and
21 it's an attack on the Animal Welfare Act, which
22 for over 50 years has provided at least a minimum

1 level of protection for animals throughout the
2 country.

3 The ASPCA urges the USDA to abandon this
4 idea and instead work to strengthen and improve
5 existing enforcement processes, and I think that's
6 your answer to number 5. I think a way to
7 actually encourage compliance is to strengthen
8 enforcement. I think one way to do it is through
9 actual deterrence through issuing fines in a
10 timely manner, and I think also stopping the auto
11 relicensing of licensees that have violations on
12 their record would help. Thank you.

13 MR. JOHN SEYJAGAT: I am John Seyjagat,
14 the Executive Director of the Zoological
15 Association of America. We are the second largest
16 trade association in North American with over 65
17 accredited facilities and 455 professional
18 members. We are strong supporters of the USDA-
19 APHIS program and stakeholders in this program.
20 We believe that we would work with the USDA in
21 finding the greatest opportunity with APHIS to
22 improve the consistency and effectiveness of its

1 inspections; however, we are concerned with the
2 notion of a third-party inspection. Presently,
3 the ZAA offers an assessment and auditing program
4 through accreditation for its members. This is a
5 stringent program that requires two to three
6 inspectors that go over an institution for up to
7 two days inspecting everything from animal welfare
8 and animal and human safety.

9 We are concerned with this because in
10 question 3 of the USDA, it says, is there a
11 potential for well function and market for third-
12 party programs to develop. We don't know what
13 this entails. We don't know what the intent is
14 and what this is going to turn out to be. ZAA
15 inspects its facilities once every five years, and
16 that, in itself, is a very stringent exercise, and
17 it's a burden on the institution. Part of our
18 accreditation program requires the last three
19 years of inspections from the USDA, and if there
20 is any reduction in USDA inspections, this will
21 drastically affect our accreditation and our
22 auditing program.

1 Right now, we are in a listening phase.
2 We would like to get more information. We would
3 like to see how this develops. We will submit our
4 comments to the USDA soon, but at present, we
5 would really like to hear more about this third
6 party, how it's going to develop, who is going to
7 be the third party, because if we have -- if we
8 are considering as a third party, that would incur
9 expenses on our members, because they pay for
10 their inspection for inspectors to come out to do
11 these inspections. And, having inspections more
12 than one year by our association is going to be
13 burdensome on our members.

14 We believe in the USDA inspection. We
15 believe they are doing a good job. We would like
16 to see more consistency. We would like to work
17 with them for more consistency. But, turning this
18 over to a third party -- we have concerns over
19 that. Thank you.

20 MS. CHRISTINE SHAUGHNESS: Good
21 afternoon, my name is Chris Shaughness, and I'm
22 the Executive Director of an animal welfare

1 organization in Montgomery County, and I'm also a
2 volunteer for several animal organizations. But,
3 I'm here today to speak to you from my personal
4 experience as a dog trainer and a behaviorist and
5 from my experience in working with puppy mills.
6 I'm the author of a book called Puppy Mill Dogs
7 Speak, and the co-producer of a documentary called
8 Uncaged: Second Chances for Puppy Mill Breeder
9 Dogs.

10 From my work, I have witnessed firsthand
11 what happens in puppy mills -- both the regulated
12 and the unlicensed. I have witnessed how breeders
13 work together to circumvent the rules. It's very
14 common knowledge that they hide dogs in other
15 locations, often in relative's properties. I have
16 seen how they have found ways to avoid following
17 the regulations. I stood vigil for 80 dogs who
18 were shot and killed by their owner because he did
19 not want to pay the money to bring his dogs to
20 veterinary standards according to the regulations.
21 I've also seen what happens when some breeders
22 convince their veterinarians to look the other way

1 when the animals are clearly not being cared for.
2 I've even known of inspectors getting paid off to
3 pass inspections for facilities that clearly
4 should be shut down. It is an insidious business.

5 The introduction of third parties into
6 the mix gives me great concern. I believe that
7 those inspections will give operations less
8 oversight and more opportunities to circumvent the
9 regulations more than they already are. Who will
10 qualify these third parties, and what will the
11 qualifications be? Who will be watching them?
12 Will APHIS be overseeing them, and, if so, that
13 could add more administrative overhead to their
14 already packed schedule. What would be the
15 incentive for the facilities to hire third-party
16 inspectors? I have a lot of unanswered questions
17 here.

18 As other people have mentioned today,
19 history has shown that third-party inspection
20 programs do not serve the animals' best interest.
21 The USDA has its own past experience to learn from
22 in delegating animal welfare monitoring to private

1 third-party inspectors. Under the Horse
2 Protection Act, inspections at Tennessee Walking
3 Horse Shows are conducted by private inspectors,
4 who are industry employees and exhibitors. These
5 inspectors are supposed to help eliminate the
6 cruel practice of soring horses, but instead have
7 served mostly to help cover up its continued use.

8 I am strongly encouraging you to
9 reconsider the use of third-party programs, which
10 would add more layers of complication to an
11 already weak process. Instead, please focus on
12 improving and streamlining the process and adding
13 more unannounced visits. The effectiveness of the
14 Animal Welfare Act and the animals depend upon it.
15 Thank you very much.

16 MR. MIKE TUCK: Okay. If I could have
17 Emily Spivak, Anita Summers, Maryam Tabrizi, and
18 Monica Tierney.

19 MS. EMILY SPIVAK: Hi, my name is Emily
20 Spivak. I'm here as a private citizen and
21 Maryland constituent, and I'm also here on behalf
22 of my father, who is a disabled Marine Corp.

1 veteran in Pittsburgh, Pennsylvania.

2 I am here to express my strong opposition
3 to a USDA proposal that would dramatically
4 diminish oversight of facilities such as zoos,
5 research facilities, and commercial dog breeders
6 regulated under the Animal Welfare Act. This
7 proposal would be equal, as other folks have said,
8 to the wolf guarding the henhouse -- an industry
9 self-policing system. Allowing the industry to
10 monitor itself would be extremely detrimental to
11 the well-being of the animals kept in these
12 facilities.

13 According to the USDA's website, "Highly
14 trained USDA inspectors located throughout the
15 United States conduct routine, unannounced
16 inspections of all facilities licensed or
17 registered under the AWA to assess these
18 facilities' compliance with the AWA." The USDA
19 should maintain all of these absolutely vital
20 compliance and enforcement responsibilities in
21 house and not outsource any of them to private
22 third-party inspectors.

1 We trust our government to ensure the
2 welfare of our nation's animals, and we cannot
3 expect the same level of standards to be enforced
4 by third-party auditors, and they should not be
5 considered a qualified replacement or addition to
6 federal inspections.

7 Also, reading in the questions, the term
8 "qualified" that they state is also very general.
9 There is no substitute, in my opinion and my dad's
10 opinion, for trained federal employees.

11 The Animal Welfare Act is the only
12 federal law that regulates the treatment of
13 animals concerning the transportation, sale, and
14 handling. It is incumbent upon the USDA to
15 continue to ensure proper enforcement of the AWA.

16 One of the major public concerns is that
17 a third-party accrediting organization who may be
18 given the vital responsibility of monitoring the
19 welfare of our nation's captive wildlife has an
20 innate conflict of interest, as others have
21 stated. These organizations collect dues from
22 their accredited members and have incentive not to

1 take disciplinary actions against those who
2 violate the AWA if doing so could contribute to
3 fines, enforcement actions, or possible USDA
4 license revocation.

5 Transparency with the American people is
6 of the utmost importance. This proposal would
7 further dampen the current state of transparency.
8 The USDA has currently a very insufficient listing
9 of inspection FOIA record reports available to the
10 public right now, which is an issue. And, these
11 records allow the public to identify, for example,
12 which zoos have violations of the AWA. Passing
13 this proposal to outsource any of the USDA's
14 responsibilities to third-party entities would
15 exacerbate the issue, making it even more
16 difficult for the public to obtain this
17 information from the private third parties.

18 Through the Animal Welfare Act, the
19 American public has entrusted the USDA to protect
20 our nation's animals. These animals will
21 absolutely negatively be affected by the
22 privatization and outsourcing of federal welfare

1 inspectors' expertise.

2 Please maintain this vital responsibility
3 on behalf our nation's animals and for the public.
4 It's a consumer protection issue as well. I, and
5 my father, strongly urge the USDA to please
6 perform more unannounced inspections by USDA
7 inspectors only, and please don't supplement these
8 by third-party entities. We ask that you please
9 maintain the vital responsibility on behalf of the
10 public and our nation's animals. I just want to
11 thank you so much for considering all of us today.
12 Thank you.

13 MS. ANITA SUMMERS: Hi, my name is Anita
14 Summers. I'm here as a private citizen. The USDA
15 is the agency responsible for ensuring that
16 operations such as puppy mills, roadside zoos, and
17 research facilities are complying with the
18 standards of animal care established by the Animal
19 Welfare Act.

20 My first thought when I heard about the
21 proposal to possibly reduce or supplement USDA
22 inspections of these facilities and allow third-

1 party inspections was, oh boy, here we go again.
2 Did we learn nothing from delegating animal
3 welfare monitoring to private third-party
4 inspectors under the Federal Horse Protection Act?
5 It's been an unmitigated failure and is evidence
6 of the conflict of interest that can be created by
7 third-party inspections.

8 I do not believe that reducing or
9 supplementing the USDA's Animal and Plant Health
10 Inspection Service -- APHIS inspections -- will be
11 an incentive for regulated facilities to use
12 third-party programs to support compliance under
13 the Animal Welfare Act.

14 As a taxpayer, I would wonder if the USDA
15 is getting complete and unbiased reports from
16 these third parties, and if violations of the law
17 are being overlooked or compliance is not being
18 enforced. And, who is going to pay for these
19 third-party inspections? If it's the industry
20 being regulated that pays, I would be concerned
21 that the industry would want to exhibit some
22 influence over the inspections and the reports.

1 And, if it's the taxpayer, then I would recommend
2 that this program not be instituted and the money
3 be reinvested in improving the current inspection
4 and reporting process.

5 The biggest and most important risk
6 associated with this proposed program is how it
7 affects the welfare of the animals that the USDA
8 is charged with protecting. For over 50 years,
9 this nation has valued the independence of this
10 federal agency to ensure that certain humane
11 standards are being met. The USDA needs to remain
12 the objective party in these inspections and not
13 outsource oversight and enforcement to industry.

14 In my view, the only way for the USDA to
15 achieve and sustain compliance with the Animal
16 Welfare Act is for the USDA to retain its
17 responsibility for inspections and to increase the
18 frequency of inspections including unannounced
19 inspections of facilities, to increase penalties
20 for violations, and to make enforcement data
21 transparent and easily available to the public.
22 Thank you.

1 MS. MARYAM TABRIZI: Hi, my name is
2 Maryam Tabrizi, and I'm here as a concerned
3 citizen. The United States taxpayers and citizens
4 rely upon the USDA for its role in the protection
5 of public health and oversight of animal welfare
6 as an objective and independent watchdog. As a
7 concerned citizen and a public health
8 professional, I strongly object to the USDA
9 outsourcing or supplementing its compliance and
10 enforcement responsibilities at USDA-regulated
11 facilities such as the thousands of research
12 laboratories, puppy mills, and wildlife
13 exhibitions or zoos to private third-party
14 inspectors because these oversight programs have
15 the potential to fail to ensure the basic animal
16 welfare standards as met by the Animal Welfare
17 Act.

18 It is important to note that the welfare
19 of animals in these facilities also helps to
20 ensure the public's health through the conduct of
21 valid, scientific research of benefit to human
22 health, the safety of employees and visitors to

1 wildlife exhibitions, and the adoption of healthy
2 companion animals. I will further outline my
3 concerns with the use of private third-party
4 inspectors as follows.

5 First, as others have stated, use of
6 third-party inspectors creates potential problems
7 with conflicts of interest. Once the USDA hands
8 off the power to third-party inspectors, these
9 types of programs create an environment for the
10 potential of self-policing, which can be
11 devastating to the welfare of animals kept in
12 these facilities where the enforcement of the
13 Animal Welfare Act is already very challenging.
14 Private-industry inspectors have contributed to
15 the persistence of cruel practice of horse-soring,
16 which previous speakers have said, as found in the
17 USDA's own Inspector General report in a 2010
18 audit of the agency's enforcement of the Horse
19 Protection Act.

20 And, as others have stated, the American
21 Kennel Club and accrediting body that is funded by
22 fees paid by breeders who pay to register the

1 puppies, on several occasions have also accredited
2 dog breeders that have failed USDA inspections.

3 Second, the use of third-party inspectors
4 does not necessarily reduce the USDA's workload.
5 It will be challenging for the USDA to ensure that
6 these third-party inspectors are objective at
7 conducting duties to ensure the animal welfare
8 standards. There still exists the additional
9 oversight and extra burden on the USDA to audit
10 these third-party inspectors to ensure proper
11 enforcement of the law in an environment where
12 again, enforcement of the animal welfare standards
13 is already a difficult task under experienced and
14 trained staff at the USDA.

15 Third, use of third-party inspectors
16 creates problems with transparency, as others have
17 stated. There is a concern with the release of
18 information and transparency regarding the results
19 of third-party investigations and adherence to the
20 animal welfare standards. Private third-party
21 inspectors may be less likely to want to release
22 information on inspections due to privacy

1 concerns, and the public therefore might have no
2 way of knowing if a puppy mill or other operation
3 passed its third-party inspection. As it now
4 stands, the public does not have sufficient and
5 easy access to enforcement records, which may be
6 able to help identify zoos or breeders that have
7 failed or have a chronic violation of the Animal
8 Welfare Act. It is already difficult, if not
9 impossible, to obtain animal welfare information
10 from the USDA.

11 To summarize, the outsourcing and
12 privatization of inspectors has the potential to
13 detrimentally impact tens of thousands of animals,
14 shortchange taxpayers, and adversely affect public
15 health. I ask that the USDA please continue to
16 maintain the integrity of this very important
17 oversight responsibility. There is no substitute
18 for the thorough, unannounced inspections by
19 trained and experienced inspectors at the USDA for
20 the robust enforcement of the Animal Welfare Act.

21 MS. MONICA TIERNEY: Hello, my name is
22 Monica Tierney, and I'm the Program Manager at

1 Children's International School. I'm here today
2 not only behalf of the animals but also for our
3 children. Our Pre-K children are very, very
4 active social activists, and recently, this past
5 fall, they wrote a letter to USDA expressing their
6 concern about certain issues, and they included
7 drawings in their quotes. They received a
8 response back, and they were very, very excited.
9 So, I'm here on their behalf as well.

10 Like many others today, I do not support
11 the USDA's proposal to recognize third-party
12 inspection and certification programs as a factor
13 in determining inspections of licensed and
14 registered facilities under the Animal Welfare
15 Act. Based on past experience, there are no
16 advantages of using third-party programs to
17 support compliance under the Animal Welfare Act.
18 If anything, they would create more problems,
19 setbacks, and inefficiency like we've heard today
20 from other people.

21 Basically, in the past, USDA inspectors
22 often found problems at facilities that proclaim

1 compliance with a third-party program. Social
2 media has played an increasingly invaluable role
3 in educating the public and uncovering cases of
4 animal cruelty in facilities that are currently
5 licensed. People are watching. People do care.

6 Based on a recent survey, one-third of
7 Americans want animals to have the same rights of
8 people. Very few Americans, only 3 percent,
9 believe animals require little protection from
10 harm and exploitation. There is a huge animal
11 rights movement gaining momentum daily, especially
12 among the younger generation, and they want
13 accountability.

14 Everyone is looking at the USDA, whose
15 responsibility is to ensure the well-being of
16 animals, not third parties, to hold violators
17 accountable. I believe that this is a turning
18 point and one that can be viewed as an opportunity
19 versus a challenge. The way to move forward is
20 for the USDA to work from a proactive versus
21 reactive paradigm. Those facilities that do not
22 comply with the minimum requirements of the law

1 should have their licenses immediately revoked.
2 This would encourage other facilities to achieve
3 and sustain compliance with the Animal Welfare
4 Act. I see this as the greatest opportunity to
5 improve the effectiveness of the program.

6 There is no replacement of thorough
7 unannounced government inspections. This applies
8 for all types of industries, not just animal
9 welfare. Would we want our childcare, health, or
10 food to be regulated by nontransparent entities?
11 Animal abuse is a very serious issue that concerns
12 all of us. Please do not involve third-party
13 programs and instead create a more effective and
14 transparent system of government oversight. Thank
15 you.

16 MS. KATHLEEN SUMMERS: Hi, my name is
17 Kathleen Summers. I'm the Director of Outreach
18 and Research for the Puppy Mills Campaign at the
19 Humane Society of the United States.

20 Before I start my prepared remarks, I
21 wanted to answer Ms. Juarez's question regarding
22 number 5. I feel that the USDA should work with

1 State Departments of Agriculture and Humane Law
2 Enforcement Agencies and specifically ask them to
3 alert the USDA of any significantly problematic
4 operations. My understanding is that this is not
5 currently being encouraged, and it should be.
6 And, I'm wondering why USDA would be considering
7 third-party inspections from potential industry
8 groups when they're not working with Humane Law
9 Enforcement Agencies or State Departments of
10 Agriculture that are already experienced in
11 impartial inspections.

12 I've studied problematic dog breeders as
13 my full-time job at HSUS for 12 years, and we've
14 seen that none of the current approval systems run
15 by pet industry groups or breeder collectives can
16 be called impartial, nor have they been successful
17 in controlling bad breeders.

18 Case in point, the current president of
19 the Missouri Pet Breeders Association, according
20 to the USDA's own records, has been warned
21 repeatedly for violating the Animal Welfare Act
22 regulations. In February of 2016, the USDA gave

1 him an official warning and complaint for failing
2 to open his kennel to USDA inspectors on four
3 different occasions, and even after the USDA filed
4 that official complaint, he continued to fail to
5 allow federal inspectors into his kennel on at
6 least three more occasions, for a total of seven
7 failed inspection attempts. This is egregious
8 waste of taxpayer dollars and agency resources.
9 And, when USDA inspectors did finally access his
10 kennel in May of 2016, they found two emaciated
11 Boxers with their ribs visible as well as a
12 Bulldog with a mass near its eye and a Lhasa Apso
13 who was weak and lethargic. This is the leader of
14 the most visible pet breeder association in
15 Missouri, one that has hundreds of members.

16 Several other members of this pet
17 breeders' association and others like it have been
18 repeatedly cited by the USDA or state inspectors
19 for having sick, underweight, and injured animals.
20 In fact, it seems like some of the worst breeders
21 use their positions in professional pet
22 associations to cover up for an otherwise subpar

1 record. These associations then play a part in
2 lobbying against stronger laws or enforcement of
3 its existing ones.

4 Then, there's the American Kennel Club,
5 an organization that used to be associated with
6 quality dog breeding. In recent years, the AKC
7 has become an organization that routinely opposes
8 any and all regulation of dog breeders. Our study
9 of AKC lobbying activities in 2015 found the AKC
10 has opposed more than 150 different state bills
11 designed to regulate dog breeders or require even
12 the most basic humane conditions for dogs. The
13 AKC even opposed a Tennessee bill that would have
14 prevented dogs from being left in hot cars, a
15 Pennsylvania bill that would have banned the sale
16 of dog and cat meat for human consumption, even
17 some recent bills that would have banned the
18 sexual abuse of animals, and the AKC even opposed
19 a North Carolina bill that was modeled after the
20 AKC's very own Care and Conditional Policy for Dog
21 Breeders.

22 The AKC's knee-jerk opposition to almost

1 all canine welfare laws makes it clear that they
2 are not capable of having a place in any program
3 that would help objectively enforce these laws.

4 While the AKC opposes virtually all
5 government of dog breeders, it does claim to have
6 its own inspections program. We have found again
7 and again that the AKC's program is toothless.
8 For example, in 2014, two Mississippi dog
9 breeders, one of whom had been listed as an AKC
10 breeder of merit, pleaded guilty to animal cruelty
11 after more than 70 dogs, including a former AKC
12 Best in Show dog named Wild Bill, were found
13 living in utter filth, literally standing in their
14 own waste. According to news reports, some of
15 these dogs were in such poor condition, that they
16 could barely walk out of that building. Yet, this
17 operation had recently passed its inspection with
18 the AKC.

19 There have been many similar cases where
20 individuals who had recently been inspected by the
21 AKC were not just accused but convicted of animal
22 cruelty. When AKC inspected Malamute breeder,

1 Mike Chilinski, who had bred numerous show dogs,
2 was visited by Montana Law Enforcement in 2011,
3 authorities found adult Malamutes who should have
4 weighed at least 70 pounds weighing only 35
5 pounds. Court records later showed that of the
6 139 dogs examined, 35 were extremely underweight,
7 and many more were malnourished. At trial,
8 Chilinski said that he didn't think there was
9 anything wrong with the conditions of his kennel
10 because he had passed an AKC inspection.

11 These cases demonstrate that being a
12 member of a self-described professional dog
13 breeders group or a national dog club does not
14 make a breeder any more likely to follow even the
15 most basic common-sense laws and regulations. Too
16 often, the camaraderie enjoyed by these like-
17 minded groups results in a failure to report or
18 even address the bad apples among them. Thank
19 you.

20 MR. MIKE TUCK: Okay, could I have Donna
21 Zeigfinger, Julianne Zimmer, Bethany Duzalt
22 [phonetic], Charles Frohman [phonetic], Francesca

1 Dijulio [phonetic]. You can come on up.

2 MS. BETHANY DUZALT: Hello everyone, my
3 name is Bethany Duzalt, and I'm in intern at the
4 ASPCA right now, but I am speaking as a private
5 citizen and also for my grandmother, who is an
6 animal rehabilitator and could not be here.

7 As a young adult looking forward to what
8 the future lies ahead, it saddens me to see the
9 current administration trying to turn back time on
10 the Animal Welfare Act. We are already only
11 allowed limited access to the USDA's
12 investigations on puppy mills, zoos, and animal
13 testing laboratories, and now there may be a
14 chance that the USDA itself will not know what is
15 going on in these facilities. As an American with
16 a love for animals and their well-being, I have
17 the right to know the conclusions about the
18 inspections. By outsourcing part of the USDA's
19 work to companies that have conflicted interests,
20 it portrays another maneuver to decrease the
21 Animal Welfare Act's potential to ensure that our
22 future pets will not be neglected or mistreated

1 before they become members of our families.

2 As other people have said, we have seen
3 this in the past when the USDA allowed a qualified
4 third-party, industry-run enforcement system under
5 the Federal Horse Protection Act to administer the
6 majority of the inspections at the Walking Horse
7 Shows. The USDA Inspector General noticed that
8 these private inspectors were employees of horse
9 show organizations and had prior affiliation with
10 the Tennessee Walking Horses. Thus, the USDA
11 should resume full authority of the inspections of
12 the industry. So, why try to bring back something
13 that does not work?

14 On behalf of all the animals that are
15 currently suffering and my own generation, I
16 strongly oppose the use of third-party
17 investigators. Thank you very much for the
18 opportunity for me to speak to you.

19 MS. JULIANNE ZIMMER: I'm Julianne Zimmer
20 and the President of an organization called We
21 Love Animals. I oppose this suggestion to utilize
22 third-party inspection oversight. Federal

1 inspections must be used. We must -- we demand a
2 nonbiased interest checking on the welfare of
3 those with no voice. My organization has found
4 that many breeders that sell their puppies in the
5 pet stores in Maryland are not in compliance with
6 the Animal Welfare Act, so we rely on accurate
7 reports to ensure proper sourcing of these pets
8 that are sold. We have a lot of information on
9 lawsuits, heartbreak, and things that can't be
10 measured, and these things are all due to some of
11 the lack of legislation that we already have
12 currently. We have worked really hard on
13 legislation that utilizes these inspection reports
14 so that consumers can be informed so that they can
15 avoid the heartbreak, avoid the litigation. I
16 can't tell you how many times I've spoken with
17 families that have purchased puppies from pet
18 stores that were sourced from breeders that either
19 were improperly inspected or somehow got through
20 and are selling these puppies to the public.

21 Third-party investigations or inspections
22 opens up the door for corruption in regard to

1 greed and bias off the blood of the very animals
2 we aim to protect. As mentioned previously, APHIS
3 reports were removed last year that we counted on
4 for legislation that was passed in the state of
5 Maryland. We worked hard for that legislation.
6 We utilized those reports so that people with
7 smartphones could look up the puppies that they
8 were about to purchase to avoid heartache.

9 Whittling away at transparency is not
10 what we need to maintain the substance of the laws
11 we count on to protect us and our animals. I hope
12 that you'll think about everything that we've all
13 said today as private citizens, as leaders of
14 organizations. This matters to us. Many of us
15 spend a lot of our time helping to inform the
16 public, and reports and investigations are a huge
17 factor in that. We need to know that these are
18 done by people that are not being led by greed,
19 led by other agendas, but by people like yourself
20 that protect us, the citizens. Please consider
21 that in what you're thinking about possibly doing
22 and continue the reports and the inspections that

1 you have, provide more inspections that are not
2 announced, and help us tighten the reins on this.
3 This is not something that's needed, you know. We
4 need to -- we need to dial in on this, not dial
5 out. Thank you for your time today and giving us
6 the chance to speak.

7 MS. DONNA ZEIGFINGER: My name is Donna
8 Zigfinger, and I'm a private citizen, and I'm
9 representing myself, my dog, who came from a puppy
10 mill, and from a support group that is, at any
11 given time, over 200 people that have adopted
12 puppy mill dogs or have purchased dogs from pet
13 stores. I don't want to go over everything that I
14 agree with with Humane Society, whether it's the
15 ASPCA or HSUS. We are just in support of what
16 they are saying, and I would like to have my club
17 closed down and have all dogs protected. So,
18 please, please keep that in mind when you make
19 this decision.

20 MR. CHARLES FROHMAN: Hello, my name is
21 Charles Frohman [phonetic], and I'm speaking as a
22 private citizen. Like those who came before me, I

1 oppose this policy. Why is this even under
2 consideration when the USDA is well aware of its
3 dangers? The Office of the Inspector General has
4 uncovered systemic abuse of the third-party
5 inspection system in Tennessee Walking Horse
6 competitions and has reported on the ineffective
7 enforcement process for problematic animal
8 breeders and sellers and puppy mills. Adopting
9 this policy would be a conscious choice on the
10 USDA's part to allow further abuse to go
11 unchecked. Thank you.

12 MR. MIKE TUCK: Okay. Could I have Jeff
13 Horsefield, Jacqueline West, Kathryn Kopanke,
14 Katie Kraska.

15 MR. JEFF HORSEFIELD: Good afternoon, my
16 name is Jeff Horsefield [phonetic]. I'm here as a
17 private citizen. I was motivated to come and
18 speak out because I formerly worked at a big cat
19 rescue and sanctuary located in North Carolina
20 that was both inspected by the USDA and regularly
21 assisted the USDA on a number of rescues to shut
22 down roadside zoos or other facilities that needed

1 to be closed down.

2 I wanted to speak up because the use of
3 third-party inspectors or anything that could
4 possibly delay or hide information from the USDA
5 or delay necessary and required inspections from
6 the USDA could lead to a lot of harm in this area.
7 I specifically am thinking of a roadside zoo in
8 Mississippi where we assisted Mississippi law
9 enforcement and the USDA in shutting this
10 organization down, but they had a number of
11 violations for the Animal Welfare Act. The use of
12 third-party inspectors in this area -- the
13 organizations that I can think of -- some of them
14 allow you to choose your own inspectors. Some of
15 them allow for very infrequent inspections, and --
16 to sort of supplement what others have been saying
17 -- the inspection criteria is often also unclear
18 and can lead to a lot of conflicts of interest.
19 These organizations are interested in
20 supplementing their own membership fees and
21 supplementing their own membership numbers, and
22 their interest is not in the best interest of the

1 animals.

2 This Mississippi organization that we
3 rescued animals from had a number of animals that
4 required emergency surgeries and operations at the
5 time of the rescue, again, just thinking that any
6 chance at delaying their rescue would have been
7 very harmful and dangerous for the animals that
8 were seized from this organization.

9 So, I just wanted to speak out and voice
10 my opinion against any shift away from USDA
11 inspections. Rather, I would sort of copy some of
12 the previous recommendations and recommend that
13 the USDA continue to inspect more frequently,
14 continue the number of announced inspections, and
15 continue to publish information as transparently
16 as possible. Thank you.

17 MS. JACQUELINE WEST: My name is
18 Jacqueline West, and I am an employee of the
19 ASPCA, but I'm here today as a private citizen.
20 Probably all of the points that I would have
21 raised have already been addressed by people much
22 more eloquent than I.

1 But, I did want to mention that in the
2 first question that was on your list, it sort of
3 brought me up short when it says, "Would a
4 potential reduction in the frequency of APHIS
5 inspections be a sufficient incentive for
6 regulated facilities to use third-party programs?"
7 I figure that yes, indeed, it certainly would, but
8 for all the wrong reasons.

9 As a private citizen and as a taxpayer, I
10 am relying on APHIS inspectors who have a mandate
11 and the authority to go into facilities to be my
12 eyes and ears. You can go where I can't. I feel
13 very strongly that that is a sacred trust that I
14 would not want to see you advocate to a third-
15 party inspector.

16 Also, just in terms of practicality, for
17 an agency that we know is understaffed and
18 underfunded, I fail to see how adding yet another
19 layer of bureaucracy would be a fiscal good idea,
20 because I'm assuming that someone at APHIS would
21 have to oversee the overseers. That, to me, would
22 take resources and personnel away from their

1 initial responsibilities. If, in fact, the agency
2 needs more funding, I think it is incumbent upon
3 Secretary Purdue to go to Congress and fight for
4 you. I'm all in favor of having more inspectors
5 and certainly more inspections.

6 In closing, I would just like to say in
7 question 5, you say, "What are other methods APHIS
8 could use to encourage facilities to achieve and
9 sustain compliance with the AWA?" To me, it's
10 obvious. More inspectors, more unannounced
11 inspections, and also more stringent penalties.
12 To do anything otherwise to me would be a breach
13 of the public trust and a terrible betrayal of the
14 millions of animals who are counting on you to put
15 their welfare about any other consideration.
16 Thank you.

17 MS. KATHRYN KOPANKE: Hi, thank you for
18 having me here today. My name is Kathryn Kopanke,
19 and I'm here as a private citizen. For three
20 years, I worked for a medical school as first a
21 researcher and next a veterinarian technician and
22 coordinator in the Veterinary Resources

1 Department. Though a lot of my work was closely
2 tied to experiment protocol, oversight,
3 procurement, and routine veterinary care, I took
4 most seriously my responsibility to the research
5 animals and their welfare. Even with dedicated
6 personnel working day and night to uphold the
7 minimal provisions for research animals set in the
8 Animal Welfare Act, I quickly learned that
9 research institution site visits conducted by
10 APHIS are too few and incomplete to properly
11 assess and improve the conditions for research
12 animals. The current state of inspection is
13 already too lax, even with an on-site office of
14 animal welfare assurance. And, I can say from
15 example that the planned AAALAC visits were rather
16 disheartening as I watched all personnel scramble
17 to make things look wonderful upon the arrival of
18 the AAALAC visit, and then slowly over the next
19 few weeks slowly decrease in standards.

20 Rather than supplementing to third
21 parties, who most certainly will adopt even more
22 regular inspection policies, the USDA should

1 establish more consistent and frequent inspection
2 procedures. The medical professional conducting
3 the research and the individual lives used in
4 research cannot afford less inspections and more
5 inconsistency with additional agencies. This
6 would put both the welfare of the animals and the
7 quality of data at risk. I strongly oppose this
8 policy and suggest the USDA reevaluate their
9 current inspection practice. I also ask that
10 APHIS consider scheduling more unannounced
11 inspections.

12 MS. KATIE KRASKA: Hi, everyone, my name
13 is Katie Kraska, and I'm here as a private
14 citizen, but I also work for the ASPCA. This
15 issue is near and dear to me because I am from
16 Kentucky, Lexington originally -- anybody else
17 from Kentucky? I didn't think so. I have been
18 involved in the horse industry my entire life, and
19 I know a lot of people who were involved in the
20 Tennessee Walking industry. I know personally
21 probably hundreds if not thousands of horses who
22 would have been helped if the 1970 law would have

1 been actually enacted, the Horse Protection Act.
2 Instead, the regulations were rolled back to
3 third-party inspectors, and that was clearly not
4 sufficient to change behavior in the industry.

5 Just to hammer home some of the points
6 that everyone else has so eloquently made, handing
7 inspection responsibilities off to third parties
8 is just not acceptable. The USDA is already doing
9 too little to endorse the Animal Welfare Act, and
10 this policy would clearly be a step backward.
11 This policy would also result in fewer and lower-
12 quality inspections when the opposite is needed.
13 As made clear by the third parties used in horse-
14 soring inspections, self-policing is ineffective.
15 Countless animals would be endangered by the
16 change in policy.

17 The USDA has an obligation to serve the
18 public interest -- our interest. Transparency and
19 accountability is essentially to maintaining
20 public trust and representing the interest of the
21 American people. Relinquishing control of
22 inspections to third-party groups is an abdication

1 of duty on the USDA's part. The USDA has overseen
2 the enforcement of Animal Welfare Act for over 50
3 years. Giving up a large part of this
4 responsibility now reveals blatant disregard for
5 the purpose of this law and the animals that it
6 protects.

7 Just to speak directly to question 5, I
8 believe, I think everyone has implicitly remarked
9 that the majority of the regulators if this were
10 rolled back to third party, would be part of the
11 industry, and I think that that is by necessity
12 because there is no market for this kind of thing
13 outside of the organizations that would be
14 involved in the industry. Thank you so much for
15 this opportunity.

16 MR. MIKE TUCK: Okay. Jimmy Metcalf. Is
17 there anybody I have missed or who signed in late
18 that would like to speak? Please come up now.
19 You can sit up here.

20 MR. JIMMY METCALF: Good afternoon, my
21 name is Jimmy Metcalf. I work in Federal Affairs
22 for the Humane Society Legislative Fund. Today,

1 I'm speaking on behalf not only of HSLF, but of
2 Nicole Paquette. Nicole is Vice President of our
3 Wildlife Campaign at the Humane Society of the US.

4 So, first, thank you for the opportunity
5 to speak on this issue. As part of our campaign
6 to protect captive wildlife, we have extensively
7 reviewed standards and implementation of zoo and
8 sanctuary-accrediting programs. There is a
9 growing list of these programs, and they vary
10 drastically in terms of quality and
11 professionalism. But, none of them should be
12 considered a replacement for or supplement to
13 inspections conducted by federal animal care
14 inspectors and veterinary medical officers who are
15 trained in interpreting the Animal Welfare Act.

16 Accreditation should compliment USDA
17 enforcement, not replace or supplement it.
18 Accrediting organizations naturally have a built-
19 in industry bias. While some are more successful
20 than others at mitigating that bias, none are as
21 impartial as inspectors from federal agency.
22 Under the proposal, bias would be amplified since

1 an accreditation inspection would take on new
2 meaning. Not only determining whether a facility
3 gains accreditation, but the possibility of
4 impacting whether a facility should retain USDA
5 licensing or face other enforcement actions.

6 Accreditation Committee members would be
7 less likely to take punitive actions against a
8 colleague if doing so could contribute to federal
9 fines or warnings. Some accrediting organizations
10 have opposed proposals for stronger Animal Welfare
11 Act standards that were later adopted such as
12 those relating to the public handling of tiger
13 cubs. The USDA has determined that licensees who
14 do not house neonatal wild cats in a controlled
15 sanitary temperature-controlled environment and
16 who expose them to public contact are considered
17 noncompliant with the veterinary care and handling
18 requirements of the Animal Welfare Act
19 regulations.

20 That raises the question of whether
21 accrediting organization that previously objected
22 to these stronger standards concerning public

1 contact can realistically be expected to
2 adequately monitor such interactions and
3 requirements.

4 There are other problems with third-party
5 programs. Accrediting organizations may use the
6 allure of less federal oversight as a marketing
7 tool to generate greater membership. And to
8 appeal to a wider audience, accrediting
9 organizations may be tempted to lower their
10 standards so that more facilities can become
11 accredited. We've already seen accrediting
12 organizations delay implementation of stronger
13 standards to accommodate facilities that refuse or
14 fail to comply. In some cases, rather than
15 representing best practices, standards may reflect
16 the weakest accredited facility with unsafe and
17 outdated practices.

18 Accreditation inspections are conducted
19 on scheduled dates after a facility has had months
20 to prepare versus USDA inspections that are
21 unannounced and capture a more realistic picture
22 of day-to-day operations.

1 Accreditation inspections are also based
2 on the individual accrediting organization
3 standards rather than Animal Welfare Act
4 standards. Further, there may be a three- to
5 five-year gap between accrediting inspections,
6 which is insufficient to determine a facility's
7 ongoing Animal Welfare Act compliance.

8 So, there are countless examples also of
9 accredited facilities having troubling records of
10 dangerous incidents, poor animal care, abusive
11 handling, and Animal Welfare Act violations.
12 Third-party inspections will lead to a lack of
13 accountability, reduce transparency, and
14 ultimately failure to ensure adherence to the
15 Animal Welfare Act.

16 So, for these reasons among others, we
17 oppose the use of these programs as a positive
18 factor when determining the frequency of federal
19 inspections. Thank you.

20 MS. HEATHER NARVER: Now, for something a
21 little different. I'm Heather Narver, and I'm a
22 Clinical Veterinarian. I currently work for a

1 federal research institution, but I've been a
2 Laboratory Animal Veterinarian for about 15 years,
3 and included in my work experience are non-federal
4 institutions. I care a great deal about the
5 research animals that I take care of on a daily
6 basis as well as the important science that I
7 support. I've had substantial experience with
8 both USDA inspections and third-party regulators
9 with animal research.

10 Today, I'm representing the American
11 College of Laboratory Animal Medicine. ACLAM is
12 comprised of approximately 1,000 veterinarians
13 with specialty training and certification in
14 laboratory animal medicine and welfare.

15 We welcome the opportunity to provide
16 feedback on the subject, and we believe, in
17 contrast to every other speaker so far, that the
18 USDA would make better use of its limited
19 resources by considering qualified third-party
20 review in its risk-based approach to animal
21 research oversight.

22 Analysis of APHIS inspection reports

1 reveals that regulatory compliance by research
2 facilities has improved dramatically in the last
3 decade. Research facility-specific issues
4 identified by APHIS have declined 87% since 2006,
5 and most citations today are related to
6 administration and not to animal care.

7 In 2016, 1.5 percent of registered
8 facilities accounted for more than 30 percent of
9 noncompliance, indicating that while most
10 institutions are doing a great job, a small number
11 present more risk and need more frequent and
12 focused attention from APHIS.

13 I read my APHIS Policy Manual before
14 coming here today, and discovered that in 1998,
15 APHIS implemented a risk-based inspection system,
16 and under that system, several objective criteria,
17 including but not limited to past compliance
18 history, are used to determine the minimum APHIS
19 inspection frequency. Facilities meeting the
20 criteria for low-frequency intervals are subject
21 to inspections once every year or every two to
22 three years, or, in some cases, only when

1 complaints are received, while facilities
2 determined to require high-frequency inspections
3 are subject to inspections as often as every three
4 months.

5 Decreasing regulatory burden is a timely
6 initiative in science and is mandated by recent
7 legislation including the 21st Century Cures Act.
8 Recognizing third-party review is one step that
9 the USDA could take to decrease regulatory burden
10 on beleaguered scientists as well as on
11 administrative and animal care staff while
12 continuing to ensure Animal Welfare Act compliance
13 in animal care.

14 Third-party regulators of animal
15 research, most notably AAALAC, are widely utilized
16 by the animal research community and whatever you
17 might think about AAALAC, as we've already heard,
18 the AAALAC site visits are -- many of them are
19 actively involved in animal research -- not at the
20 institutions that they are visiting, but at other
21 institutions -- and as such, they provide a unique
22 perspective and expertise, and they bring that to

1 their site visits, and it's actually complementary
2 of APHIS' efforts.

3 The program description, which is
4 required by AAALAC in advance of each tri-annual
5 site visit, is a lengthy document describing every
6 aspect of the animal research program. This can
7 be hundreds of pages in length and requires months
8 to put together, requiring concerted effort by the
9 animal care and administrative staff as well as
10 the Animal Care and Use Committee.

11 The concept of using third-party review
12 to complement Animal Welfare Act-mandated review
13 of animal research programs already has some
14 precedent in that APHIS currently allows an AAALAC
15 site visit to substitute for the required semi-
16 annual facility inspection and program review when
17 the site visits falls within a specific time
18 period before or after the scheduled date of the
19 semi-annual visit.

20 ACLAM believes that the use of third-
21 party inspections to support Animal Welfare Act
22 compliance would be most effective if there is

1 harmonization of third-party and USDA regulations,
2 inspection standards, and reporting mechanisms.

3 In summary, ACLAM applauds the USDA's
4 efforts to further improve the efficiency of the
5 APHIS inspection process. While we recognize the
6 value of APHIS and that there is no substitute for
7 unannounced inspections by experienced APHIS
8 personnel, we think that allowing third-party
9 review by qualified, time-tested, and well-
10 respected programs such as AAALAC to be considered
11 as part of the compliance history of regulated
12 institutions conducting animal research is an
13 important refinement to APHIS' risk-based
14 inspection process. Thanks for your time.

15 MS. ELIZABETH OKUTUGA: Good afternoon,
16 my name is Elizabeth Okutuga. I work for American
17 National Standards Institute; however, I'm
18 speaking today as a private citizen. I was
19 compelled to speak based off all the feedback
20 about third-party accreditation and certification,
21 and I just wanted to clarify a lot of the points
22 that were made today.

1 As a program coordinator for American
2 National Standards Institute, we use international
3 standards. The specific standard that I use is
4 ISO 17065. One of the things about international
5 standards is that we have a lot of risk-based
6 impartiality and other mechanisms to ensure that
7 the requirements that are being followed are
8 actually being followed, and we check that
9 regularly. For example, a lot of you are familiar
10 with the FCC and EPA. Those are other government
11 regulatory programs that often require third-party
12 accreditation. The electronics that you use in
13 your homes, 90 percent of them are, you know --
14 via third-party accreditation. You have to be --
15 the certification body has to receive
16 accreditation in order to sell those products.
17 So, electronics, the things in your house that
18 your children, your family, and all these things
19 that are being used are being used because of our
20 -- are verified through third-party accreditation.

21 So, I don't want us to dismiss third-
22 party accreditation because it offers the way for

1 verification because often times our government
2 does not have the resources to do all these
3 unannounced inspections. They can't, you know --
4 a lot of people are calling for increased
5 unannounced inspections, increase, increase. But,
6 that's increasing our taxpayers dollars as well.
7 So, we can't just make these demands. We can't
8 just make these, you know, without having all of
9 the information behind it.

10 So, to say that third-party -- to some
11 aspect, I'm sure that third-party accreditation or
12 certification can be improved such as the
13 government ensuring that those who do third party
14 have to go through an approved body such as, you
15 know, approved organization before those
16 organizations can then go and do those
17 certifications. So, those are -- there are ways
18 to improve the third-party process, but to say to
19 eliminate it, I think would require additional
20 research before we do that. Thank you.

21 MS. CATHY LISS: Hi. Cathy Liss with
22 Animal Welfare Institute. Thanks for your

1 patience. I know it's a long afternoon. Animal
2 Welfare Institute strongly objects to USDA's
3 proposal to recognize third-party inspection and
4 certification programs as a factor in determining
5 inspections of licensed and registered facilities
6 under the Animal Welfare Act. It's a bad idea,
7 been working on issues for more than 30 years, and
8 it's an idea that was considered quite a number of
9 years ago. It had no merit then, and it has no
10 merit now. The USDA should not offer this
11 prospect of fewer inspections or any other
12 incentives for participation in third-party
13 programs.

14 These programs are not focused solely on
15 insuring compliance with the Animal Welfare Act.
16 They are created, as you know, by industry
17 entities that have a strong vested interest in
18 protecting their dues-paying member businesses.
19 Their site visits, not inspections, are conducted
20 by one another's peers, colleagues, and buddies.
21 USDA inspectors often find problems at facilities
22 that proudly proclaim compliance with one third-

1 party program or another.

2 One commercial licensed operation
3 licensed as a breeder and registered as a research
4 facility that had primates had stipulated
5 penalties from USDA in 2006, 2008, 2009, became
6 accredited in 2015, and in 2016 was cited for
7 having monkeys that were dying from internal
8 bleeding when they had been improperly trained by
9 unqualified personnel and had conducted
10 ultrasound-guided liver biopsies on the monkeys.
11 In addition, USDA has filed yet another complaint
12 against the facility in September of 2016 for
13 dozens of willful violations over the course of
14 five years, including actions that led to the
15 death of 38 non-human primates.

16 A whistleblower suit involving another
17 research lab where the attending vet, who was an
18 AAALAC trustee, explained that accreditation would
19 be revoked only if a lab gave AAALAC "the finger."
20 Otherwise, AAALAC will work with them for years.

21 At another prominent AAALAC-accredited
22 facility, they were cited by USDA for shortcomings

1 in crucial areas like veterinary care and
2 environmental enrichment for primates. Yet,
3 another was cited repeatedly for a long list of
4 animal welfare problems that resulted in suffering
5 and death for monkeys, rabbits, and other animals.

6 We have a long list that will include in
7 our written testimony of the facilities that are
8 accredited and yet have been cited by the USDA
9 inspectors.

10 There is an AZA-accredited exhibitor who
11 was written up for various infractions including
12 housing incompatible animals and failure to
13 provide proper veterinary care. Yet another
14 accredited zoo actually admitted to 51 violations
15 of the Animal Welfare Act spanning more than five
16 years, and they paid a \$45,000 fine.

17 As you've heard, USDA's experience with
18 the DQP under the Horse Protection Act has allowed
19 inspectors at shows exposed the various risks and
20 weaknesses associated with relying on third-party
21 programs.

22 Reports, if there are any, from site

1 visits -- again, not inspections -- that are
2 conducted by third parties are not available to
3 the public, unlike USDA reports, or at least some
4 of them.

5 Indeed, AAALAC emphasizes that its
6 process is confidential, and site visit results
7 are known only by the lab and AAALAC, even if
8 deficiencies are found. This thwarts transparency
9 and accountability. The USDA should set as its
10 goal a minimum of annual inspections for all
11 licensees and registrants, not just research
12 facilities, and beyond that, the inspection
13 schedule for any given facility licensed or
14 registered under the Animal Welfare Act should be
15 based solely on that facility's history of
16 compliance or lack thereof.

17 If the USDA strengthened its enforcement
18 of the law and responded to violations on a more
19 timely fashion, this would send a message to
20 facilities that they better meet the minimum
21 requirements under the law. Facilities that
22 cannot comply should have their licenses

1 permanently revoked. The USDA need not waste time
2 year after year after year with dealers and
3 exhibitors who can't care for the animals properly
4 and can't or won't comply with the law.

5 Bottom line -- enforcement, enforcement,
6 enforcement, and transparency. Having those
7 records available to the public to put pressure on
8 entities that can't comply. Thank you.

9 MS. MARISA SCHATZ: Hi there, my name is
10 Marisa Schatz. I'm a lifelong Maryland resident
11 and animal welfare advocate. For the past 50
12 years, the USDA has been responsible for
13 inspecting zoos, animal breeders, petting farms,
14 wildlife parks, and other animal exhibitors to
15 ensure that they are meeting the animal care
16 standards set forth by the Animal Welfare Act.
17 Although the USDA has been criticized by some for
18 being too lax in their enforcement, I value the
19 independence of these government inspections. If
20 the USDA shares any responsibility with the very
21 industries that are regulated by this act, the
22 power of the Animal Welfare Act would be

1 completely undermined and would jeopardize
2 millions of animals who need protection.

3 Judging from the countless problems found
4 with the care of animals at various accreditations
5 such as ASA, ZAA, AZA, and AKC, it's clear that an
6 accreditation is not a stamp of sufficient animal
7 welfare and does provide the confidence that the
8 animals are being cared for in a satisfactory way.
9 Giving any power to decide which facilities
10 warrant USDA oversight to those same industries
11 that are being regulated would completely
12 undermine the objectivity of the process.

13 The AKC has often fought against state
14 and federal laws designed to improve standards of
15 care for dogs and have upheld the membership of
16 breeders who have routinely failed USDA
17 inspections, not to mention they are funded by the
18 membership fees of breeders. If these inspections
19 are conducted by the very organizations whose
20 existence relies on the membership of those they
21 are charged with inspecting, where is the
22 objectivity? These inspections would become a

1 free-for-all amongst those who profit from the
2 sale and exhibition of animals without maintaining
3 proper standards of care.

4 Third-party oversight or assistance of
5 the Animal Welfare Act would inevitably invite
6 conflicts of interest that could incentivize
7 accreditation committee members to ignore
8 conditions which might constitute violations of
9 the Animal Welfare Act.

10 It is my belief that using third-party
11 inspectors in any capacity to uphold the Animal
12 Welfare Act would jeopardize the integrity of the
13 entire act.

14 Those who advocate for animal welfare, in
15 my experience, have long felt that the USDA should
16 be strengthening their standards and processes for
17 protecting animals, and it has become clear that
18 legislators agree. In 2017, over 220 US Senators
19 and Representatives sent letters to Appropriation
20 Committee members urging vigorous funding for more
21 stringent enforcement. They also asked for
22 restoration of the inspection documents that were

1 purged from the USDA website and a crackdown on
2 rampant abuses by violators of the Animal Welfare
3 Act. We need more transparency, tougher
4 enforcement of existing regulations, and stronger
5 regulations to improve living conditions for
6 animals.

7 This proposal to conduct inspections with
8 third parties is moving in the opposite direction
9 and would make a bad situation so much worse. It
10 is my belief that if the USDA doesn't retain sole
11 responsibility of its inspections of Animal
12 Welfare Act-regulated facilities, the entire
13 Animal Welfare Act will be jeopardized, and it
14 will change the animal welfare industry for the
15 worse, resulting in decreased transparency to the
16 public, a lack of accountability, greater risk for
17 injury to the visitors of the facilities, and even
18 more animals suffering.

19 I also wanted to address number 5 in your
20 questions, "What methods could be used to achieve
21 and sustain AWA compliance?" It reminded me of a
22 couple of months ago. I have a cousin in New York

1 who called me. She had been chaperoning one of
2 her son's field trips to a petting zoo in
3 Melville, New York, and they left crying because
4 the animals were in such bad shape. She said all
5 of the parents were horrified, the kids were
6 horrified, and they were never going back. They
7 walked right out. So, I did a quick google search
8 of this place, and some of the comments that I
9 found -- and, this is a USDA-licensed petting zoo
10 -- some of the comments said there was no water
11 for them to drink, the animal pens and enclosures
12 were dirty, the animals looked like they were
13 seriously suffering, they look like they're in
14 pain, two dead baby rabbits were in the pen with a
15 bunch of other rabbits. "I was deeply disturbed
16 by what I saw as soon as I walked in. A baby
17 giraffe was locked in a tiny wooden house and
18 apparently, according to the sign, is only allowed
19 out on the weekends. He was so afraid and said, it
20 made me cry." "This was an extremely depressing
21 experience. I went on a hot day and saw too many
22 animals crowded into too small a space baking in

1 the sun without shade. I can't support a farm
2 that treats animals like this in good conscience."
3 "The zebras barely had any room to move freely."
4 (These are all different comments.) "The camels
5 looked so stressed, they were losing patches of
6 hair." "We found it hard to enjoy ourselves when
7 all you could see is how stressed, desperate, and
8 exhausted these animals were."

9 And, it's just my feeling that, you know,
10 when you talk about wanting to increase compliance
11 with the Animal Welfare Act, it seems pretty
12 simple. Just pay attention to complaints like
13 this. Conduct unannounced inspections. Severely
14 fine or penalize places like this. If a facility
15 has numerous USDA violations that haven't
16 improved, they shouldn't be allowed to operate. I
17 appreciate your time. Thank you for listening.

18 MS. ALLYSON COLEMAN: Hello, my name is
19 Allyson Coleman. I'm here from the Leesburg
20 Animal Park. I am speaking on behalf of Shirley
21 Johnson, the Director, and myself as the Curator.

22 Now, I do have some questions. I'm

1 concerned about the objectivity of a third-party
2 inspector. How would they be trained? How would
3 they be certified? Would the inspection differ
4 based on state? Does USDA still oversee
5 inspection criteria, and, if so, why use a third
6 party at all?

7 We've seen in recent years that the
8 delegation of authority by federal agencies to
9 third-party, non-governmental entities has raised
10 concerns in Congress and in the public about the
11 lack of accountability in these kinds of
12 arrangements. Indeed, in such circumstances,
13 these third parties could conceivability be
14 outside Congress' spending and oversight
15 authority. Here, it seems that these
16 organizations would be one step removed from
17 direct accountability to the Executive Branch,
18 too. If such delegation occurs, I believe that
19 the community of zoos across the country may have
20 no direct recourse to the decisions made by the
21 outside organizations, and recourse is especially
22 important within the context of enforcing our

1 nation's laws. Our many Constitutional
2 protections, such as due process, for example,
3 only apply when the government is the actor.

4 To address question 1, I do not think a
5 reduction in inspections would be beneficial. I
6 rely on feedback from the USDA, and I think more
7 inspections are welcome as well. With this in
8 mind, I am opposed to this proposed regulation,
9 and I encourage others to oppose it too. Thank
10 you.

11 MS. PHYLLIS BRYANT: Hi, my name is
12 Phyllis Bryant. I don't have anything prepared.
13 I wanted to come here and voice my opinion because
14 I love all kinds of animals. I own three little
15 Poodles, you know, and I mean they are my heart.
16 I think that I agree there shouldn't be a third-
17 party affiliation. It should stay with the USDA.
18 The animals do not have a voice. We are their
19 voices, and, you know, I get all upset when I see
20 that commercial. I can't even look at it that
21 comes on TV. I turn it away because it's so, you
22 know, it's so dear to my heart. It really hurts

1 my heart. I think that we do need to have more
2 inspections and look out for these little animals
3 that have no voice for themselves. We just have
4 to do the best job that we can do, and if we need
5 to have more inspections from USDA, I think that
6 should be something that should be well looked
7 upon. We pay taxes -- we use our tax money for
8 everything else -- this is something that is very
9 dear to my heart, and I think if that's the case,
10 then they need to allow more of our taxpayer money
11 to go toward helping out these animals. That's
12 the way I feel. My vote goes toward keeping it
13 with the USDA Department. Thank you for your
14 time.

15 DR. ALKA CHANDA: Good afternoon, my name
16 is Dr. Alka Chanda. I'm here on behalf of PETA,
17 People for the Ethical Treatment of Animals. We
18 thank APHIS for hosting this stakeholder listening
19 session as the agency considers third-party
20 inspection and certification programs to determine
21 inspection frequency and other inspection
22 parameters such as thoroughness of inspections,

1 the number of inspectors dispatched to the
2 facility, and whether the inspection will be
3 preannounced.

4 According to APHIS, this effort is
5 motivated by the desire to use a risk-based
6 inspection system to better use the agency's
7 inspection resources. And, the ultimate aim is to
8 support compliance under the Animal Welfare Act.

9 At the earlier listening session, APHIS
10 clarified that AAALAC -- which has already been
11 spelled out, so I won't do that again -- is one of
12 the third-party certification programs being
13 considered by APHIS. As my colleague, Dr. Ingrid
14 Taylor, discussed at that session, animal
15 laboratories maintain AAALAC accreditation through
16 the payment of an annual fee and a prearranged and
17 preannounced site visit, not inspection, once
18 every three years. A peer-reviewed 2015 study
19 revealed that laboratories accredited by AAALAC
20 were cited for violations of AWA regulations in
21 USDA inspection reports more frequently than
22 unaccredited facilities. There were more

1 violations, and more violations specifically
2 related to improper veterinary care, personnel
3 qualifications, and animal husbandry.

4 As the purpose of reliance of third-party
5 certification programs, is to support AWA
6 compliance, APHIS must not confer preferential
7 status to AAALAC-accredited facilities.

8 Moreover, as others have stated, AAALAC
9 is an industry-friendly organization. It's Board
10 on Accreditation consists of representatives from
11 universities with massive animal experimentation
12 programs, contract testing laboratories with
13 thousands of animals, multinational pharmaceutical
14 companies, and other entities immersed in the use
15 of animals in experimentation. Thus, using an
16 institutions AAALAC accreditation status as a
17 basis for possibly decreasing the frequency of
18 USDA inspections or somehow reducing the degree of
19 oversight of the facility introduces considerable
20 conflict of interest into the inspection process.

21 On its website, AAALAC describes its
22 origin as being rooted in "a need for assuring the

1 general public that laboratory animal research is
2 conducted on a professional level." The sentiment
3 was echoed in a 2015 essay written by the
4 organizations Executive Director, in which he
5 trumpeted AAALAC's success in, again, "allaying
6 some of the public concern surrounding the use of
7 animals."

8 Indeed, this is PETA's experience with
9 AAALAC. When a post-doctoral veterinary fellow
10 from Columbia University came to PETA to tell us,
11 among other things, that baboons were not
12 receiving adequate anesthesia or postoperative
13 analgesia after their left eyes were cut out and a
14 clamp was inserted into the empty eye socket to
15 clamp shut blood vessels going to the brain,
16 inducing a stroke, and puppies were killed by
17 painful cardiac injections, PETA shared its
18 concerns with the USDA, which thankfully opened an
19 investigation, went in, and cited and fined
20 Columbia University.

21 Meanwhile, Columbia issued a brief letter
22 to concerned individuals, the thrust of the

1 message being that the university of AAALAC
2 accredited. So, nothing to see here, everything's
3 fine, go on ahead.

4 Similarly, PETA's eyewitness
5 investigations at Covance, Primate Products,
6 Incorporated, University of Utah, ONPRC -- the
7 list goes on and on and on of accredited
8 facilities documented obscene treatment of
9 animals. For each of these facilities, the USDA
10 opened investigations, for which we are immensely
11 grateful, and cited and took some type of action
12 against the facilities for egregious violation of
13 the Animal Welfare Act. And, the facilities used
14 the window dressing of their AAALAC accreditation
15 to assure the public that all was well. To our
16 knowledge, none of the institutions mentioned were
17 placed on probation, and none of them lost their
18 accreditation.

19 You see, AAALAC accreditation isn't so
20 much about higher animal welfare standards, and it
21 isn't about ensuring compliance with minimal
22 animal welfare standards codified in regulations

1 and guidelines put in place at the will of the
2 American public. It's simply about assuring the
3 public that all is well. If the purpose of
4 reliance on third-party certification programs is
5 indeed about supporting compliance under the AWA,
6 AAALAC accreditation means nothing and should not
7 be used as a factor in determining the frequency
8 or other parameters associated with USDA
9 inspections. Thanks very much.

10 MR. MIKE TUCK: Okay. Is there anybody
11 else who would like to speak that we've either
12 missed or came late? If not, I would like you, if
13 you have a copy of your presentation, to leave it
14 up here at the front desk. I appreciate you
15 coming to listen to everybody's opinions and
16 views. Have a nice day and drive safely. Thank
17 you.

18 (Listening session concluded -- off the record.)

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Pamela A. Flutie

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