

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

United States Department of Agriculture  
Animal and Plant Health Inspection Service

Third-Party Inspection and Certification  
Listening Session

Thursday, January 18, 2018  
9:00 a.m. to 1:00 p.m.

Santa Clara Marriott  
2700 Mission College Blvd.  
Santa Clara, CA 95054

	Speakers:	Page
1		
2	Mike Tuck, Facilitator	4
3	Bernadette Juarez, Deputy Administrator	6
4	Dr. James Atkinson	16
5	Tani Prestage	21
6	Ann Quinn	23
7	Dr. Ingrid Taylor	27
8	Charlie Sammut	31
9	Matt Bruce	34
10	Nikki Ford	35
11	Gigi Kennedy	36
12	Belinda Chlouber	37
13	Judy Serebrin	38
14	Anna Hornick	39
15	Rob Dicely	40
16	Diana Frieling	41
17	Christopher Berry	46
18	James Christianson	50
19	Katerina Davidovich	55
20	Crystal Moreland	56
21	Jan Stevenson	60
22	Christopher Winn	62

1	SPEAKERS (continued):	Page
2	James Hay	66
3	Dr. Carol Meschter	68
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		

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

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

10 My name is Mike Tuck, and I am from the  
11 APHIS Center for Animal Welfare and will be  
12 facilitating this session. In addition to this  
13 session, we have planned in-person sessions in  
14 Riverdale, Maryland on February 8th, Kansas City,  
15 Missouri on February 22nd, and Tampa, Florida on  
16 March 8th. We also have a phone-in session  
17 scheduled for March 14th for those unable to  
18 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           We are lucky today to have Bernadette  
17 Juarez, Deputy Administrator, and Dr. Betty  
18 Goldentyer, Associate Deputy Administrator of  
19 Animal Care, present to hear your comments. At  
20 this time, we are here to listen to your comments  
21 and will not be responding to any comments or  
22 questions.

1 Deputy Administrator Juarez would like to  
2 give a short overview of the third-party program.

3 BERNADETTE JUAREZ: Good morning,  
4 everyone. It's good to be here in California. I  
5 wish the sun would break through the haze of it,  
6 but aside from that, I'm enjoying the warmer  
7 weather and had a great run outside, so I'm all  
8 set and ready to listen to your feedback today.

9 There has been quite a bit of chatter and  
10 interest, I think, in our consideration of whether  
11 we should rely on third-party certification and  
12 inspection when determining the frequency with  
13 which USDA would conduct inspections at Animal  
14 Welfare Act regulated facilities. I've heard and  
15 read some reports that I think may be causing a  
16 bit of confusion, so I want to take this  
17 opportunity to tell you a little bit about what we  
18 are considering and what we are not considering.

19 First, I'll start with what we are not  
20 considering. We are not considering delegating  
21 our inspection responsibilities to anyone outside  
22 of USDA. That is not what this program is about.

1 I've read reports that we are considering  
2 delegating our responsibility to the AKC and to  
3 other groups and that it's "abdication of our  
4 responsibility under the Animal Welfare Act," and  
5 that's actually not at all what we're concerned  
6 about or what we're intending to do. In fact,  
7 with respect to research facilities, the act  
8 itself requires that we conduct annual inspections  
9 at those facilities, and we certainly will  
10 continue to do that.

11           What we are here to contemplate is  
12 whether a facility that elects to voluntarily use  
13 another compliance program to bolster its facility  
14 should receive a positive factor when we determine  
15 the frequency with which we inspect those  
16 facilities. We use a risk-based inspection system  
17 to calculate the frequency with which we visit  
18 facilities, and as part of that system, we can  
19 consider facilities who use outside sources to  
20 also provide oversight for animal welfare at their  
21 facility. And, our first question really to you -  
22 - and I'll review them more comprehensively in

1 just a minute -- is whether we should consider  
2 such third-party inspections when determining the  
3 frequency with which we conduct inspections, and,  
4 if so, what objective criteria should we use when  
5 recognizing whether a third-party certification  
6 program is one that we should recognize in terms  
7 of calculating frequency of inspections.

8           So, I hope that lays to rest some of what  
9 I think was confusion about what we may be seeking  
10 to do or what we're considering doing and why we  
11 are interested in your feedback. We identified  
12 five specific questions on our website that I hope  
13 to hear from you about today. I will read them to  
14 you, so you have a good sense of our expectations.

15           The first one says, "APHIS is considering  
16 recognizing the use of qualified third-party  
17 programs when determining APHIS frequencies as  
18 regulated APHIS facilities. Would a potential  
19 reduction in the frequency of APHIS inspections be  
20 a sufficient incentive for regulated facilities to  
21 use third-party programs to support compliance  
22 under the Animal Welfare Act?"

1           There is another part of that same  
2 question, "Are there other incentives that should  
3 be offered to attract participation of regulated  
4 entities in this program? And, we ask you to  
5 explain that." And, when we say other incentives  
6 aside from just the frequency with which USDA  
7 would conduct inspections as those facilities.

8           The second question is, "What are the  
9 advantages and disadvantages of voluntary third-  
10 party programs to support compliance under the  
11 AWA? What potential benefits and costs might  
12 accrue to the regulated facilities who elect to  
13 use the third-party programs, and what are the  
14 risks associated with using a third-party  
15 program?" And, I really want to highlight in this  
16 question that what we are considering would be  
17 entirely voluntary on the part of our regulated  
18 community. They could elect not to retain any of  
19 these services if we go in this direction. It's  
20 something that would be entirely within the  
21 decision-making responsibility for the regulated  
22 facility.

1           Number three, "Are third-party programs  
2 likely to be effective in practice? Is there a  
3 potential for a well-functioning market for third-  
4 party programs to develop? Please explain." What  
5 existing third-party programs are already used by  
6 regulated facilities to help support their Animal  
7 Welfare Act compliance?

8           Question four, "When assessing whether to  
9 recognize a third-party program, what criteria  
10 should APHIS consider to assure the independence  
11 and determine the scope of the services that  
12 support and align with the AWA and mitigate  
13 potential conflicts of interest and other  
14 potential risks? In addition, what information  
15 should a regulated facility provide so APHIS may  
16 verify its use of a third-party program?"

17           And the final question is, "Aside from  
18 recognizing the use of qualified third-party  
19 programs, what are other methods APHIS could use  
20 to encourage facilities to achieve and sustain  
21 compliance with the Animal Welfare Act? Also,  
22 where do you see the greatest opportunity for

1 APHIS to improve the consistency and effectiveness  
2 of its Animal Welfare Program?"

3           So, we have a number of broad topics that  
4 we're looking forward to hearing from you about  
5 today. As Mike mentioned, I think everybody will  
6 have five minutes to provide comments on these  
7 five areas. You may focus on one in particular or  
8 try to address all five. Beyond providing your  
9 comment here during this public listening session,  
10 we invite you to provide written comments through  
11 our website. There will be a publication  
12 forthcoming in the Federal Register on January  
13 22nd, and that Federal Register Notice will  
14 provide information on the listening sessions in  
15 addition to information on how you can submit your  
16 written comments.

17           I appreciate everybody coming out today.  
18 We're really excited to see folks. Yes?

19           UNIDENTIFIED MALE SPEAKER: Question. I  
20 just missed your introduction, I'm sorry. Am I to  
21 understand that APHIS has already made the  
22 decision to go with third-party inspections, and

1 now you're asking to fill in the details?

2 MS. BERNADETTE JUAREZ: No, that's not at  
3 all what I explained. I explained instead that  
4 we're considering whether we should use or  
5 recognize third-party inspection programs, and, if  
6 so, what criteria should we consider when  
7 assessing the programs and whether we should  
8 include them.

9 UNIDENTIFIED MALE SPEAKER: Thank you for  
10 clarifying.

11 MS. BERNADETTE JUAREZ: Um-hum. Yes.  
12 Yes.

13 UNIDENTIFIED FEMALE SPEAKER: I'm sorry,  
14 too. I just walked in and you had already  
15 started. But, could you introduce the genesis of  
16 this idea? Is it because of funding cuts? Is it  
17 that there's some other reason to take this new  
18 approach?

19 MS. BERNADETTE JUAREZ: We always are  
20 looking for ways to encourage facilities to  
21 achieve and sustain compliance independently.  
22 With respect to some of our facilities -- a small

1 number of our facilities -- in fact have trouble  
2 in that area. It's our hope that we can better  
3 utilize our own inspection resources for those  
4 facilities that require extra -- extra visits from  
5 USDA in order to accomplish the purposes of the  
6 Act to help them get into compliance and sustain  
7 that. If we know that other programs have a  
8 history of good compliance under the Animal  
9 Welfare Act and, in addition, are using one of  
10 these third-party inspection programs, we may be  
11 able to kick out the frequency with which we visit  
12 those facilities so that we can conserve our  
13 resources and make more frequent visits to  
14 facilities that we know have compliance  
15 challenges.

16           So, it's about risk mitigation for us in  
17 terms of facilities that we know have a history of  
18 compliance and are interested and willing to  
19 invest in compliance at their facilities to enable  
20 us to better focus our resources on facilities  
21 that require more attention from USDA.

22           And, I just -- at the beginning I was

1 clear that USDA will continue to conduct  
2 inspections at facilities. This is not about  
3 delegating any type of our inspection  
4 responsibility or authority to any third party.  
5 These are completely voluntary services that the  
6 regulated community may elect to use.

7 UNIDENTIFIED MALE SPEAKER: Are you able  
8 to share any ideas whatsoever on the types of  
9 third parties being considered?

10 MS. BERNADETTE JUAREZ: Well, there's two  
11 types that we're aware of already and that we do  
12 consider, and that's the AZA -- the American  
13 Association of Zoos and Aquariums has a  
14 certification program, and we say AALAC. AALAC is  
15 the other ones that provides these types of  
16 certification for our research community. Those  
17 are the two programs that are known to us. Our  
18 hope here, especially with one of the questions,  
19 is whether there's a market for other programs  
20 like this, and, if so, what they might be.

21 Okay? All right. Let's get started.  
22 Thank you so much. Oh, I'll just -- one more

1 note. I am an electronic person. I take notes  
2 electronically. I'm not sending E-mail messages.  
3 I'm just capturing the key points from our  
4 conversation. We'll also have it recorded, but  
5 it's helpful for me to be able to start organizing  
6 my thoughts and notes from the get-go. Thank you.

7 MR. MIKE TUCK: Thank you, Bernadette.  
8 Okay. I would like to call three people at a time  
9 to come up and sit down, and then I'll call one of  
10 you to come up to speak. Please speak loudly when  
11 you begin your comments, and by stating your name  
12 and any affiliation that you may be representing.  
13 Also, if you have a copy of your comments, please  
14 leave them with us. That will help us out  
15 immensely.

16 So, to begin with, I'd like to call out  
17 Deb Apthorp. Is she here? Okay. James Atkinson?  
18 Kristi DeSpain?

19 MS. KRISTI DESPAIN: I'm not going to do  
20 a presentation at this point.

21 MR. MIKE TUCK: You're not? Okay. Alan  
22 Ekstrand? Not here either? Okay. Marshall

1 Meyers? Not -- okay. Tani Prestege -- Prestage?

2 MS. TANI PRESTAGE: Prestage.

3 MR. MIKE TUCK: Please come up. And,  
4 Ingrid Russell-White? Not here? Curby Simerson?

5 MR. CURBY SIMERSON: I'll pass for now.

6 MR. MIKE TUCK: You'll pass for now.

7 Okay. Ann Quinn? Okay. And, again, state your  
8 name and who you represent.

9 DR. JAMES ATKINSON: Sure. My name is  
10 Dr. James Atkinson. I'm here as a private citizen  
11 concerned about this issue and have been for a  
12 long time. I'd like to make about five points  
13 related to this proposal. For the record, I  
14 strongly oppose it. I don't think a market  
15 solution or a third-party certification is a good  
16 idea.

17 The first issue is, yes, we have an  
18 enforcement problem, and, no, this is not the  
19 answer. I became interested in this issue when I  
20 looked at the Humane Society of the United States  
21 Horrible 100 Report published for years. I was  
22 appalled. I went to the APHIS website and

1 actually downloaded the records and looked at them  
2 myself, and, you know, a little bit of cross-  
3 checking. Sure enough, you have a history of  
4 noncompliance, repeat noncompliance, and it's hard  
5 to make out some of the codes, but I think serious  
6 noncompliance by many breeders. I focused on  
7 Missouri and Arkansas. I actually sent this to  
8 Bernadette Juarez, and I wrote the administrator  
9 about some of my concerns, which he was courteous  
10 enough to reply.

11           So, we've got a problem, and I'm not --  
12 and, I guess the proposal is that we can solve it  
13 with this by redirecting resources.

14           The other thing I wanted to make with  
15 regard to that was that, you know, we've got to  
16 remember, the Animal Welfare Act, contrary to what  
17 it says on the website that the public might  
18 normally see, is -- it's a very minimal standard  
19 we're talking about here. We're talking about a  
20 bare survival standard for these animals. And, so  
21 when we have these high incidences, it's serious.

22           So, with respect to the market idea, the

1 first problem you've got is asymmetric  
2 information, and that has been made worse by  
3 taking down all the records that we used to look  
4 at to assess how well enforcement was taking  
5 place. And, my understanding is that some  
6 municipalities that use that information to  
7 enforce local ordinances about the marketing of  
8 animals in their communities and even companies  
9 that wanted to be good actors and adhere to their  
10 own corporate standards don't have that  
11 information available anymore. And, it's not been  
12 replaced. I just looked at it. Arkansas and  
13 Missouri -- there's 21 records, I think, in  
14 Missouri and about 18 of them have to do with Sage  
15 and Sinclair Labs, and there's two of them that  
16 have to do with particular breeders. And, by the  
17 way, the information is there with respect to  
18 identifying them, which really further undermines  
19 the argument that we took all of them down in the  
20 first place because of privacy concerns. But, you  
21 can't have a market operate when you don't have  
22 the flow of information. That's ECON 101.

1           The other problem I see with this is the  
2 principle-agent dilemma. We think of that as  
3 regulatory capture. These -- these third-party  
4 organizations you're thinking about certifying are  
5 most likely going to be accountable to the people  
6 they're regulating rather than the public interest  
7 or certainly the animals. There are voluminous  
8 amounts of evidence of industry capturing  
9 regulators, and I would say the burden of the  
10 proof is on APHIS to prove that wouldn't be the  
11 case. I think the most likely outcome of  
12 something like that is like the Standard & Poor's  
13 situation that occurred with the financial crisis  
14 where bonds were being improperly rated -- down-  
15 rated -- in order for companies to get business,  
16 right? So, so what rating do you want on the  
17 bond? We'll give it to you because there's so  
18 much coming out of Wall Street, we need the  
19 business.

20           Often, it's an adversarial relationship  
21 with these inspected facilities. I used to live  
22 in rural Missouri and Arkansas. I've read some of

1 the inspection reports, and, you know, it seems to  
2 me that you really need state authority in order  
3 to even carry them out.

4           The last point I wanted to make was  
5 looking at the data that I can get at from the  
6 Animal Welfare Act site, there's a summary of data  
7 on there about the Horse Industry Association when  
8 USDA was present and when USDA was not present at  
9 inspection events. And, my interpretation of this  
10 is, when you had USDA not present, there were  
11 42,300 and -- about 42,000 events -- inspections.  
12 And, there were -- there were only -- there were -  
13 - basically there were six times as many  
14 noncompliances found when the USDA than when they  
15 weren't. Six times. There were more -- that  
16 speaks for itself. It's like a -- an experiment,  
17 right?

18           So, I'm -- I'm not sure how that evidence  
19 is consistent with the idea of going to a third-  
20 party regime. Your own data right there shows  
21 that when you're there, you get a lot better and  
22 more thorough job done than when you're not.

1 Thank you.

2 MR. MIKE TUCK: Thank you. Ms. Prestage,  
3 again, please state your name and affiliation.

4 MS. TANI PRESTAGE: My name is Tani  
5 Prestage. I'm from the University of California  
6 at Santa Cruz, and I would just like to comment on  
7 the last question that was posed, "Where do you  
8 see the greatest opportunity for APHIS to improve  
9 the consistency and effectiveness of its program,  
10 and how to encourage facilities to achieve and  
11 sustain compliance."

12 I think it would be helpful to provide  
13 some type of guidance or tips on what to expect  
14 when being inspected and possibly even creating a  
15 more helpful tip sheet on how to self-inspect, and  
16 just making sure that we can maintain compliance  
17 at all times whether we're being surprise  
18 inspected or not, and, again, it will provide some  
19 consistency. What would also be helpful is for  
20 these third-party inspectors to be consistent and  
21 to inspect the same things that USDA would be  
22 inspecting, and, in that case, if there would be

1 opportunity for training for these third-party  
2 inspectors so that USDA can make sure that they  
3 are inspecting what is expected based on certain  
4 standards.

5           Also, it would be good for the USDA to  
6 provide incentives to encourage facilities to find  
7 and correct any incidents or examples of  
8 noncompliance so that they can be out in the open  
9 and corrected and be part of a solution instead of  
10 punitive responses to those.

11           MS. BERNADETTE JUAREZ: Can I just ask  
12 for followup? Do you have specific types of  
13 examples of incentives that you think we ought to  
14 offer?

15           MS. TANI PRESTAGE: So, that -- I do not  
16 have that. That -- the University of California  
17 as a group were talking about that, but I don't  
18 have that.

19           MS. BERNADETTE JUAREZ: Okay. Thank you.

20           MR. MIKE TUCK: Again, if you have  
21 comments you would like to leave with us, I'd  
22 appreciate that. Ann?

1           MS. ANN QUINN: I'm Ann Quinn, and I'm  
2 from Missouri, probably the most talked about  
3 state for compliance and noncompliance of any. We  
4 probably have the most breeders enrolled in the  
5 state inspection program of any state.  
6 Pennsylvania has a little bit stricter laws than  
7 we do. They mostly deal with humidity and self-  
8 reporting if you have an incident, because if you  
9 have an incident and you report it, then you might  
10 not get in near as much trouble as if the  
11 inspector found it and you had not reported it.

12           I've been in this industry for a long  
13 time. I used to raise horses. We've gone through  
14 the crisis in the horse market, and, my God, I  
15 hope we never have a crisis in the dog market like  
16 we had in the horse market, but the same thing can  
17 happen. I now raise a specialty breed of dominant  
18 Curly Fox Trotting Horses. Probably most of you  
19 have never seen them.

20           As far as being compliant, the problem I  
21 see with the inspections, and because they took  
22 them down, does not mean that they can't get them

1 because all of the pet stores that require  
2 compliance will ask you for it if you're selling  
3 to that pet store, and if you don't send it, they  
4 won't buy puppies from you. So, I don't see that  
5 as a problem.

6           In Missouri, our attending veterinarian  
7 comes to our kennel once a year. He inspects  
8 every dog on the premise. He writes any problem  
9 dogs you have, any dogs that are not suitable for  
10 breeding, and any problems that you have in your  
11 kennel that need to be addressed. The states that  
12 have strict state inspections, in my opinion, are  
13 okay because our laws are stricter than the USDA  
14 laws.

15           Now, the frequency of inspection required  
16 in New York to be once a year. If you don't have  
17 an inspection report once a year and it be clean,  
18 you'll not sell any puppies. So, the frequency  
19 would be a problem in using this as not being able  
20 to decrease the number of inspections.

21           I've been to kennels and conferences in  
22 nine states. The concerns are different

1 everyplace, but I have never been anyplace that  
2 there are not passionate, concerned breeders who  
3 are interested in the well-being of their animals  
4 because if you don't take care of your animals,  
5 you don't produce puppies, you don't have anything  
6 to market.

7           So, I believe that the education in the  
8 industry -- would you guess I was a teacher at one  
9 time with special kids -- is where it comes from.  
10 We have to educate our breeders and our  
11 veterinarians that attend their kennels must  
12 education and take care of it. So, in Missouri,  
13 if our state inspectors, who are very well  
14 trained, and our attending veterinarians, who are  
15 very well trained -- short supply, we don't have  
16 enough of them -- it's hard now if you are putting  
17 in a new kennel -- and we do have 62 new kennels  
18 in Missouri -- but it's hard to get a veterinarian  
19 to be your attending veterinarian.

20           So, that's where I'm coming from. The  
21 magazine that's floating around in the room, we  
22 produce in Missouri four times a year. We have a

1 major conference coming up in March. We do the  
2 OFA on the 8th of March. We do the conference on  
3 the 9th and 10th. We're hoping that Bernadette  
4 and Betty will be there, and we gather inspectors  
5 from all over, and that's one of my jobs when I  
6 travel the nine states is to find out where there  
7 are people who can help the people in our  
8 industry. Being a teacher, I never saw a disabled  
9 kid that you couldn't teach something to. I've  
10 seen teachers who couldn't find what they wanted  
11 to teach them. And, so if we would be more  
12 proactive and do more teachable moments and see  
13 that those things happen rather than against the  
14 breeder. It doesn't take long to get a bad  
15 attitude in a classroom with kids that you are not  
16 making progress with.

17           The same holds true in your breeder  
18 industry if your inspectors who have come in --  
19 whoever they come from -- can instruct and help  
20 the breeder to understand what they need. A lot  
21 of things that you find in our magazine, our  
22 breeders don't know about because they don't come

1 to the chapter meetings. They don't come out for  
2 education.

3           So, in Missouri, we would like our state  
4 inspectors and our attending veterinarians to take  
5 care of our situation.

6           MR. MIKE TUCK: Thank you, Ann. Kim --  
7 Kimberly Susukida? No? Okay. Ingrid Taylor?  
8 Michael Vigil? Okay, not speaking? Okay. Kele  
9 Younger? Okay. Cecile Yu? No? Okay. Charlie  
10 Sammut -- excuse me for mispronouncing names.  
11 Matt Bruce? Again, just state your name and  
12 affiliation.

13           DR. INGRID TAYLOR: Good morning. I have  
14 kind of a quiet voice, so if any of you in the  
15 back can't hear me, just give me a wave, and I'll  
16 try to ratchet up the volume here. My name is Dr.  
17 Ingrid Taylor. I'm a veterinarian with eight  
18 years of experience in general clinical and  
19 emergency practice and an Airforce veteran.

20           I'm here on behalf of PETA, People for  
21 the Ethical Treatment of Animals. We respectfully  
22 request that the USDA not use third-party

1 inspection and certification programs to determine  
2 inspection frequency for facilities regulated  
3 under the Animal Welfare Act.

4           Our position strongly aligns with the  
5 convictions of the overwhelming majority of the  
6 American public, which believes that animals  
7 deserve to be protected from harm and exploitation  
8 through the existence and vigorous enforcement of  
9 strong animal welfare laws.

10           Outsourcing responsibility for ensuring  
11 basic protections for animals and puppy mills,  
12 laboratories, circuses, and roadside zoos would  
13 represent a betrayal of vulnerable animals and of  
14 compassionate Americans. Reliance on third  
15 parties that have a vested interest in the  
16 industry that they are inspecting and/or  
17 certifying would open the door to abuse and  
18 collusion, diminish public trust in the AWA  
19 enforcement system, and have catastrophic  
20 implications for animal welfare. Further, since  
21 third-party inspection programs are not typically  
22 required to make their inspections public, the use

1 of such parties removes an important layer of  
2 accountability within industries that use animals.

3           In the case of oversight of laboratories,  
4 the Association for the Assessment and  
5 Accreditation of Laboratory Animal Care  
6 International, or AALAC, is the primary third-  
7 party inspection and certification program. As  
8 you know, animal laboratories maintain  
9 accreditation through the payment of an annual fee  
10 and a prearranged and preannounced site visit once  
11 every three years. A peer review 2014 study  
12 revealed that laboratories accredited by AALAC  
13 were cited for violations of AWA regulations in  
14 USDA inspection reports more frequently than  
15 unaccredited facilities and had more violations  
16 related to improper veterinary care, personnel  
17 qualifications, and animal husbandry.

18           Recent violations from AALAC-accredited  
19 facilities, as documented in the USDA inspection  
20 reports currently available from the USDA's online  
21 database, include leaving injured animals to die  
22 without veterinary attention, failing to provide

1 anesthesia and analgesia to animals in compliance  
2 with the protocol approved by the Institutional  
3 Animal Care and Use Committee, and failing to  
4 provide for the psychological well-being of non-  
5 human primates.

6           At AALAC-accredited facilities, animals  
7 have starved and dehydrated to death and suffered  
8 unimaginable pain and distress when their cages  
9 were run through high temperature mechanical cage  
10 washers with the animals still locked inside.

11           In the announcement of its consideration  
12 of third-party programs to determine the frequency  
13 of USDA inspections, an official at the agency was  
14 quoted as saying, "Recognizing third-party  
15 inspections may be a good way to support  
16 compliance at facilities while allowing us to  
17 devote more of our time to helping those licensees  
18 and registrants who need it most." However, in  
19 the context of laboratories, the problems  
20 documented at AALAC-accredited facilities by the  
21 inspections of USDA veterinary officers  
22 demonstrates unequivocally that AALAC

1 accreditation does not guarantee compliance with  
2 the most basic of regulations.

3           Third-party programs are not the answer  
4 to AWA compliance. Rather, PETA calls upon the  
5 USDA not to relinquish its duty and to remain  
6 committed to rigorous enforcement of the Animal  
7 Welfare Act. This should include unannounced  
8 inspections by trained USDA inspectors, inspection  
9 frequencies determined by number and frequency of  
10 AWA violations, but never less than once a year,  
11 and meaningful penalties for those who repeatedly  
12 and egregiously break the law. Thank you.

13           MS. BERNADETTE JUAREZ: I have a quick  
14 question. You referenced a study involving a  
15 review of AALAC facilities. Would you be so kind  
16 --

17           DR. INGRID TAYLOR: Yes. I will submit  
18 that via E-mail as well as my written statement  
19 after this meeting. Thank you.

20           MR. MIKE TUCK: Charlie? Again, just  
21 state your name and affiliation.

22           MR. CHARLIE SAMMUT: Sure. Charlie

1 Sammut, Monterey Zoo. So, my comments are  
2 scribbled now because I was a little confused  
3 myself over the inspection process and what was  
4 being presented here.

5 I sit on the Fish and Game -- California  
6 Fish and Game Advisory Committee regarding making  
7 recommendations to the Commission for changes in  
8 laws to California, and we spent a great deal of  
9 time considering third-party inspectors when it  
10 was determined that our veterinarians could no  
11 longer inspect. And, in the course of a year we  
12 did a lot of work, and we ran into the same  
13 roadblocks, the biggest of which was conflict of  
14 interest, no matter who we looked at to do the  
15 inspections. They either had a very apparent  
16 opposition to the activity that was being  
17 practiced at the facility they were inspecting, or  
18 they were basically inspecting their own, and no  
19 matter how big an organization it was, there was a  
20 constant threat of legal action against the state  
21 if, for instance, an AZA-accredited facility was  
22 being inspected by an AZA inspector. So, we did

1 run into that problem.

2 I have to say standing here now, I'm not  
3 necessarily opposed to what you're saying, because  
4 there is a lot of redundancy by the time you get  
5 inspected by a state like California and an  
6 accreditation process like AZA or ZAA. Everybody  
7 is basically inspecting the same thing. So, there  
8 is a lot of redundancy, and there's room for it.  
9 But, I do have to ask again, if you were to  
10 consider an organization like AZA, how would you  
11 defend not recognizing an organization like ZAA,  
12 who has another accreditation program? That could  
13 be another -- a huge hurdle if you're considering  
14 this.

15 And, the last thing is, I just want to  
16 say that you asked for recommendations on how USDA  
17 could better communicate and better live and get  
18 along with the facilities, and I just want -- I  
19 want to recommend something that happened to us  
20 this past year, and that's the ability to work  
21 with the facility to bring it into compliance  
22 rather than the facility feeling like it's being

1 inspected and punished. It's that feeling that  
2 they're just looking for something to get you on  
3 versus the feeling of they're looking for things  
4 to help you with and help you come into compliance  
5 before there is an actual punishment for  
6 something. Thank you.

7 MR. MIKE TUCK: Thank you. Matt Bruce?  
8 Again, state your name and who you're affiliated  
9 with.

10 MR. MATT BRUCE: My name is Matt Bruce.  
11 I'm a Campaign Specialist for PETA. Laboratories  
12 understand that their business model depends on  
13 the public being kept in the dark. USDA  
14 inspections are one of the few windows of  
15 transparency that the public has into these  
16 facilities. If these inspections become  
17 privatized, inspection reports will likely no  
18 longer be accessible to the public. Indeed, this  
19 desire for secrecy is likely a driving force in  
20 the industry's repeated pushes for greater  
21 privatization.

22 I have an example from the University of

1 Wisconsin, Madison. In December of 2015, an  
2 automated drinking water supply line became  
3 disconnected, and the laboratory staff failed to  
4 notice for four days. Three monkeys required IV  
5 fluid therapy, and one of the monkeys did not  
6 recover from their dehydration and had to be  
7 euthanized. The university was cited for  
8 violating the Animal Welfare Act provision that  
9 requires laboratories to provide water for  
10 animals. UW Madison is accredited by AALAC. I  
11 would like to provide you guys with a list of  
12 Animal Welfare violations from accredited  
13 facilities by third parties. Thank you.

14 MR. MIKE TUCK: Thank you. Okay. Could  
15 I have Nikki Ford, Gigi Kennedy, and Belinda  
16 Chambers or Chlouber. Nikki, again, state your  
17 name and affiliation.

18 MS. NIKKI FORD: Okay. Hello. My name  
19 is Nikki Ford, and I'm a Campaigner for PETA. I  
20 would like to give an example where a third-party  
21 investigation failed to do its job. In December  
22 of 2015, a Marmoset monkey underwent a 14-hour

1 surgery where a portion of his skull was removed.  
2 The laboratory staff failed to insert an IV  
3 catheter at the induction of anesthesia, in clear  
4 violation of accepted veterinary norms and  
5 approved protocol. The animal failed to recover  
6 from the invasive procedure and was later found  
7 dead in his cage. The University of Utah is an  
8 AALAC-accredited facility.

9 MS. GIGI KENNEDY: Hi, good morning. My  
10 name is Gigi Kennedy. I would just like to cite  
11 an instance where third-party inspections failed  
12 at the University of Washington. The USDA cited  
13 the University of Washington with a critical  
14 violation of the Animal Welfare Act on April 4,  
15 2017 after it discovered that the volume of blood  
16 collected from primates exceeded the amount  
17 approved by the University's Oversight Committee.  
18 During this same inspection, the USDA also cited  
19 the school for a December 12, 2016 incident where  
20 a primate died while under anesthesia during a  
21 surgical procedure. The school failed to  
22 adequately monitor the animal during surgery. The

1 University of Washington is AALAC accredited.

2 MS. BELINDA CHLOUBER: Hi. I am Belinda  
3 Chlouber, and I'm here as a private citizen  
4 working with PETA. This is an example of an  
5 AALAC-accredited university failing in their -- in  
6 what they do.

7 At the University of Utah, in August  
8 2015, a monkey was undergoing a procedure, and his  
9 or her body temperature started to drop. A hot  
10 air source was placed near the animal's body  
11 during surgery. Staff failed to notice that the  
12 hot air source was too close to the animal's body,  
13 and he or she experienced severe burns and later  
14 had to be euthanized due to the injuries. The  
15 University of Utah is AALAC accredited.

16 And, I just want to say one more thing.  
17 I grew up in Oklahoma in farming country. My dad  
18 was a farmer, and my grandparents were farmers,  
19 and I've seen that industry -- I saw that industry  
20 change so much over time. I saw the big hog farms  
21 come into Oklahoma, and my cousins started working  
22 in them. One of my cousins -- working with

1 animals like that day in and day out is very hard  
2 on human psyche. It's hard on humans. It's not  
3 just hard on animals. And, I think that's  
4 something that needs to be taken into account,  
5 too. I don't think that these industries should  
6 be able to abuse humans, either, in what they do,  
7 and they need to be held accountable for that.

8 MR. MIKE TUCK: Thank you. Okay. Can we  
9 have Judy Serebrin, Anna Hornick, and Rob Dicely.

10 MS. JUDY SEREBRIN: My name is Judy  
11 Serebrin. I'm here as a private citizen, and I'm  
12 also supporting PETA. This is another account of  
13 report from an AALAC institution, Brown  
14 University.

15 In October 2016, a Macaque monkey escaped  
16 from his cage, entered the enclosure of another  
17 monkey, and the two animals engaged in a physical  
18 fight. Both animals had to undergo surgical  
19 treatment to repair their wounds. A subsequent  
20 investigation found that laboratory staff had  
21 negligently failed to latch the dividers that  
22 separated the two animals' cages. Brown was cited

1 by the USDA in July 2016 for a separate incident  
2 where a monkey escaped and fought with another  
3 monkey. Brown is an AALAC-accredited institution.  
4 Please don't privatize the Animal Welfare Act.

5 MS. ANNA HORNICK: Hi. My name is Anna  
6 Hornick, and I'm speaking as a private citizen.  
7 I'm speaking as a private citizen concerned and  
8 opposed against the USDA not doing the  
9 inspections. I have an example.

10 Dartmouth College, on April 19, 2017, the  
11 USDA cited Dartmouth University for several  
12 violations in the Animal Welfare Act including one  
13 critical violation. Animal experimenters failed  
14 to consider alternatives to painful procedures,  
15 did not adequately describe procedures in their  
16 approved protocols, and failed to provide water to  
17 bowls in the laboratory for more than two days.  
18 One vole had to be euthanized because of the  
19 dehydration he or she had experienced. Dartmouth  
20 is an AALAC-accredited laboratory.

21 Also speaking as a private citizen, I  
22 worked with Proposition 2, and I heard many

1 opinions from the public and consumers, and  
2 everybody is concerned about animal welfare, not  
3 just organizations, but the public. Consumers  
4 should be the ones who demand the public -- the  
5 welfare of the animals. I'm just -- just so upset  
6 that the USDA would not be the one that's doing  
7 the -- any of the inspections. And, the public  
8 wants it.

9           MR. ROB DICELY: My name is Rob Dicely.  
10 I represent the Wild Cat Education and  
11 Conservation Fund. We've been doing education  
12 programs for over 38 years and inspected for 38  
13 years by USDA. We've had a good relationship with  
14 them. We take good care of our animals. So, I  
15 guess this is a positive note amongst all the  
16 negatives that have come out here today, and I  
17 also served on the California Fish and Game  
18 Commission and went through the same argument that  
19 Charlie Sammut brought up as to third-party people  
20 looking at things.

21           I do like the idea of the inspection.  
22 They show up, and I like the idea of possibly

1 being a little more positive about improving  
2 things rather than the gotcha thing. That's the  
3 only thing that I don't really like, but we've  
4 gotten along with our inspectors for 38 years.  
5 I'd like to continue with that. Thank you very  
6 much.

7 MR. MIKE TUCK: Okay. I'm having  
8 problems with this name. It's Diana -- sound  
9 familiar -- from Windswept Ranch. Okay. And,  
10 Natalie Gear, you had a maybe. Do you wish to  
11 speak? No? Okay. Is there anybody else who  
12 we've missed that -- okay.

13 MS. DIANA FRIELING: Wow. Super downer  
14 day -- wow. I have the best job on the planet.  
15 Every day I play with animals, and some days I'm  
16 blessed to play with children and animals. I've  
17 watched a child walk for the first time with the  
18 support of one of my animals. I've heard an  
19 autistic child speak for the first time in contact  
20 with an animal. In my mind, we are all improved  
21 by contact with animals. I haven't seen it work  
22 any other way.

1           Okay, now I'm going to kind of cheer you  
2 guys up a bit, if that's okay. I'm in contact  
3 with lots of people. I belong to lots of groups.  
4 I have reindeer -- talk to you in a minute Fish  
5 and Wildlife. I have camels. I have zebras. I  
6 have buffalo. I have a lot of animals. I have  
7 120, and a third of them are rescues, and the  
8 working animals support those rescues.

9           Now, we'll start at the beginning with  
10 some of the questions that some of my friends are  
11 posing. How many years can a person have third-  
12 party inspections? Is there a limit? Will there  
13 be a limit? At that point, what happens? Will  
14 the third party be required to pass any kind of  
15 testing to prove familiarity with AWA? Is there  
16 going to be some kind of qualification process?  
17 What if the third party approves us and subsequent  
18 USDA inspects and doesn't? Are we subject to  
19 prosecution? If so, how does that third-party  
20 inspection stand up, and how will it protect us?  
21 Who decides who qualifies as a third party? I  
22 mean, if you want to send my mother to the ranch,

1 that is all well and good with me. I don't want  
2 you inviting strangers to my home. Is there some  
3 kind of an application process to become a third-  
4 party inspector? And, will you be reducing fees  
5 if we choose to have -- if it is voluntary -- an  
6 inspector?

7           Also, when you asked the question about  
8 how to -- if this can create another industry, so  
9 to speak, that says to me more expense, okay?

10           I'm inspected annually. I've had my  
11 hiccups. I've had a fence rail down. I've had  
12 toenails too long. My inspector has worked with  
13 me on it, and we fix those things, and we work on  
14 them every day. I don't know anyone that does  
15 this for the money. I think we all do it out of  
16 love. And, so I think while, yes, these are the  
17 minimal requirements the USDA asks, each and every  
18 one of us tries to do better than the minimum.  
19 Each and every one of us treats our animals as  
20 family. And, so I want to address something that  
21 Fish and Wildlife said because we used to be  
22 signed off by our veterinarians. I understand the

1 conflict of interest thing, but I also to tell you  
2 that since you've started this inspection process  
3 using your own inspectors, my license has lapsed  
4 three times because I didn't have an inspection.  
5 The last time I had no license for 5-1/2 months,  
6 and then I had to call and beg my warden to come  
7 out and inspect because after you finally tell  
8 them to do it, they have 30 days. So, I was  
9 without a license. It was really hard on me  
10 because I supply a lot of zoos with a lot of  
11 animals, and they don't want animals that aren't  
12 licensed. So, you guys have a problem to deal  
13 with there.

14           As far as the veterinary inspections, I  
15 thought they worked pretty well, but then I'm a  
16 small ranch, and my veterinarian doesn't make a  
17 fortune off of me. I'm concerned about like AZA  
18 possibly being certified as inspectors because  
19 that's kind of like a club, and I don't belong to  
20 that club, and I wouldn't even qualify. I'm just  
21 a stupid dirt farmer with animals, and that's all  
22 I am, and that's all I intend to be.

1           And, the other thing I want to point out  
2 -- I'm 70. By the time you implement this, it  
3 probably won't have an impact on me. But, many of  
4 my animals will be still be working, and it will  
5 impact them, and I'm concerned about my animals  
6 and my friends and what happens down the line.

7           So, before you go any farther with this,  
8 I think you should take a step back realistically,  
9 and look very closely. Everything you've put out  
10 there in the form of questions is ambiguous.  
11 There's a huge amount of distrust from people like  
12 me because we're all being hit hard by animal  
13 rights activists. I think you guys do a good job  
14 in some areas. I don't want to say you're bad. I  
15 agree with you about the labs. It makes me cry  
16 when I hear those things, but those are not  
17 happening to my animals on my property. So, I  
18 guess that's all I have to say.

19           MR. MIKE TUCK: Thank you. Amanda Banks?  
20 Just listening? Christopher Berry? James  
21 Christenson? Katerina Davidovich? I would have  
22 gotten to it. Just state your name and

1 affiliation.

2           MR. CHRISTOPHER BERRY: Hello. My name  
3 is Christopher Berry, and I'm with the Animal  
4 Legal Defense Fund. We'll be submitting more  
5 detailed written comments in the near future, but  
6 I just wanted to take this opportunity to stress  
7 two points in person that I think are important to  
8 hear. And, those two points are that, you know,  
9 we're opposed to any action that would more  
10 privatize the enforcement of the Animal Welfare  
11 Act due to concerns about transparency and also  
12 the fact that this -- that the incentives aren't  
13 well tailored here.

14           So, to the first point about  
15 transparency, the USDA often -- well, in all of my  
16 experience, it takes years of violations -- of  
17 pretty serious violations before the USDA will  
18 take serious enforcement action against regulated  
19 facilities, and it's important for the public to  
20 be able to look at inspection reports to know  
21 what's going on and to challenge the USDA or to  
22 challenge that facilities directly when necessary.

1 A prime example of this is my organization's  
2 advocacy around the Cricket Hollow Zoo or Cricket  
3 Hollow Animal Park. We filed -- based in part on  
4 the availability of inspection reports, we brought  
5 an Endangered Species Act lawsuit against that  
6 facility, went to trial, that trial was  
7 successful, and as a result of that litigation,  
8 African Lions, lemurs, and tigers at Cricket  
9 Hollow Zoo were placed in other facilities because  
10 of Endangered Species Act violations.

11 We also challenged the USDA for  
12 continuing to renew the license and just a few  
13 months ago, the DC Circuit Court of Appeals asked  
14 the USDA to justify why it was renewing Cricket  
15 Hollow's license during that time period. And, of  
16 course, the USDA did subsequently initiate its own  
17 enforcement action against Cricket Hollow, which  
18 resulted in it revoking the license.

19 But, the important thing is I don't -- I  
20 don't know if that would have been possible if  
21 these inspection reports were being concealed  
22 behind a screen due to third-party certification

1 or third-party inspections. It may not have been  
2 possible to draw attention to that issue, to  
3 rescue those animals, and to challenge the USDA  
4 for continuing to renew the license.

5           And, the second point, this is about  
6 incentives, and I think responsive to the first,  
7 third, and fifth questions that the USDA is  
8 soliciting comments on. In general, sort of the  
9 question is, are these -- would these third-party  
10 inspections be effective, would they -- you know --  
11 - how can we encourage compliance, how can we  
12 incentive people to use them? My answer to that  
13 is it's not the third-party certifications that  
14 ought to be incentivized, it's the compliance of  
15 the Animal Welfare Act that ought to be  
16 incentivized. To the extent that those third-  
17 party certifications are effective at helping  
18 people run a better facility, that should result  
19 in less noncompliances, i.e. better compliances.  
20 And, with better compliance records, you know,  
21 you're not going to be subject to enforcement  
22 actions. The USDA, of course, has to manage

1 limited resources, and if there are good  
2 facilities that aren't having any noncompliance  
3 issues, you know, they certainly wouldn't need to  
4 send inspectors to those facilities as often. So,  
5 the incentive here, we shouldn't be incentivizing  
6 the use of a third-party inspection regime. We  
7 should be incentivizing noncompliance, and to the  
8 extent that the third-party inspection regime is  
9 helping with compliance, then that is all the  
10 incentive that is needed, and I don't think any  
11 further agency action would be needed to incentive  
12 that. Thank you.

13 MS. BERNADETTE JUAREZ: I just have one  
14 quick question. You said that you think that we  
15 should incentivize compliance. Do you have a plan  
16 as to how we should do that?

17 MR. CHRISTOPHER BERRY: Incentivizing  
18 compliance?

19 MS. BERNADETTE JUAREZ: Um-hum.

20 MR. CHRISTOPHER BERRY: Well, you know,  
21 for example, inspecting facilities that have good  
22 compliance records less often I think would be a

1 better tailored way of incentivizing compliance,  
2 but, rather than sort of doing it in a roundabout  
3 way through these third-party inspections.

4 MS. BERNADETTE JUAREZ: Okay.

5 MR. JAMES CHRISTIANSON: My name is James  
6 Christianson. I'm a biochemist by training and  
7 currently I'm a Senior Vice President, and I Co-  
8 Chair at Comparative Biosciences. We are a small  
9 contract research house right here in Silicon  
10 Valley, which is the world's foremost center of  
11 biopharmaceutical innovation. We specialize in  
12 histopathology in complicated disease models. We  
13 also provide safety studies including those  
14 performed under Good Laboratory Practices.

15 I would like to tell you a little about  
16 myself to place my remarks in context. I received  
17 my Ph.D. in 1972, and I joined a large East Coast  
18 pharmaceutical company where I was engaged in  
19 discovering new antibacterial agents. I was  
20 appointed to the company's IACUC in 1981 and  
21 became Chair in 1984. So, I have been dealing  
22 with IACUC matters since before many of the people

1 in this room were born. Also, you may notice that  
2 I was Chairing in IACUC before IACUCs were even  
3 required by the regulations, and this was due to  
4 what I think turned out to be a wise decision on  
5 our part to get out ahead of the regs and be in  
6 compliance from day one.

7           So, to go on, I didn't actually deal with  
8 the specific questions you raised, but they're  
9 embedded in the remarks, and I'll address some of  
10 them fairly directly. We're not quite sure what  
11 you have in mind with regard to third-party  
12 inspections. We're already subject to many kinds  
13 of inspections. In addition to APHIS, we're  
14 inspected by the FDA and AALAC International, not  
15 to mention a variety of state and local health,  
16 safety, and environmental authorities. We also  
17 have an Animal Welfare Assurance on file with the  
18 National Institutes of Health, which does not  
19 perform routine on-site inspections, but it is  
20 part of the regulatory apparatus, which sometimes  
21 seems excessive, even with multiple overlapping  
22 authorities. You can see, for a small company

1 with 30 employees, we answer to quite a number of  
2 regulatory authorities.

3           With regard to Good Laboratory Practices,  
4 we're often asked if we're approved by the FDA to  
5 do studies under the GLP regulations, but nobody's  
6 approved in advance to do GLP studies by the FDA.  
7 You can be barred from performing GLP studies for  
8 bad behavior, but nobody is prospectively approved  
9 to do GLP studies. The GLPs place the  
10 responsibility for compliance on the institution  
11 that performs the work and the institution that  
12 funds the work, which sometimes it's the same  
13 institution. Fortunately, in our case since we do  
14 that work under contract, they are very often  
15 separate instructions.

16           This is an ingenious, decentralized, and  
17 uniquely American solution that obviates many  
18 layers of bureaucracy and relieves the FDA of some  
19 of the necessity for frequent inspections. As a  
20 result, we host many inspections usually called  
21 audits by clients to assure themselves that we can  
22 perform their work in compliance with the GLPs.

1 Thus, in terms of GLPs, we're already subject to  
2 third-party inspections. We would actually call  
3 them second-party inspections because they are the  
4 client we contract with directly.

5           GLP requirements for animal welfare are  
6 pretty basic, but every audit includes the review  
7 of those aspects of the animal care and use  
8 program that are specified by the GLPs. Some  
9 clients perform extensive and detailed audits of  
10 the Animal Welfare Program using their judgements  
11 on their own ideas for how to do things, as well  
12 as generally accepted guidelines such as the NIH  
13 Guide and the Animal Welfare regulations. Let's  
14 just say we get a lot of input.

15           Although accreditation by AALAC  
16 International is not only voluntary, from our  
17 perspective, there are compelling reasons to  
18 maintain accreditation. AALAC is widely, and with  
19 good reason, regarded as the Gold Standard for  
20 laboratory animal care, and our effort to achieve  
21 and maintain accreditation has resulted in  
22 significant improvements in our program. I would

1 like to assure the PETA people that I'm sure you  
2 have an endless supply of anecdotes, nothing is  
3 perfect, and AALAC is a very serious organization  
4 and placed considerable demands on us before we  
5 were accredited.

6           Although AALAC performs on-site  
7 inspections only once every three years, these  
8 site visits are thorough and expertly led. There  
9 are always at least two inspectors who are well  
10 qualified and well prepared, having obviously  
11 spent considerable time in advance reviewing our  
12 written program for the care and use of animals,  
13 which for our small organization runs to well over  
14 a hundred pages. We considered it a major  
15 achievement when we first achieved AALAC  
16 accreditation in 2011, and we would be very  
17 supportive if APHIS were to consider AALAC as a  
18 qualified inspection provider. A couple more  
19 comments.

20           For inspection -- third-party inspectors  
21 other than AALAC, we would have three concerns.  
22 One is qualifications, one is independence, and

1 one is confidentiality. And, these are all  
2 interrelated because the available inspector --  
3 pool of inspectors -- which we would insist that  
4 they all must be veterinarians, is limited. Most  
5 of them have other engagements with the academic  
6 and research communities that would cause  
7 potential confidentiality problems.

8           We respect APHIS's treatment of  
9 confidentiality. We consider it a sacred trust,  
10 and our experience bears out that APHIS is capable  
11 of maintaining confidentiality. I'm not sure so  
12 about -- and AALAC also -- but, I'm not so sure  
13 about any other third-party inspectors. Thank  
14 you.

15           MR. MIKE TUCK: Would you like to leave  
16 your comments with us?

17           MR. JAMES CHRISTIANSON: Oh, yeah.

18           MS. KATERINA DAVIDOVICH: Hi. My name is  
19 Katerina Davidovich, and I'm here to ask the USDA  
20 to not privatize the Animal Welfare Act  
21 inspections. We need more transparency and  
22 accountability in federal oversight, not less.

1           I also have another example of an AALAC-  
2 accredited facility that violated the Animal  
3 Welfare Act. This was at Wake Forest University  
4 in July 2016. Two non-compatible primates were  
5 confined to the same tiny stainless steel box by  
6 laboratory staff. The two monkeys fought and  
7 severely injured one another, requiring surgical  
8 intervention. Both of the monkeys were so  
9 severely injured that they "required multiple  
10 weeks of veterinary care." Later, in December  
11 2016, another monkey at Wake Forest was severely  
12 injured, requiring surgical treatment as well,  
13 after he accidentally wandered into another  
14 enclosure where he was attacked by other monkeys.  
15 And, like I said, Wake Forest University is  
16 accredited by AALAC. Thank you.

17           MR. MIKE TUCK: Okay. Stephen Felt?

18           MR. STEPHEN FELT: I'm here, but I have  
19 nothing.

20           MR. MIKE TUCK: Okay. Crystal Moreland?  
21 Jan Stevenson? Christopher Winn?

22           MS. CRYSTAL MORELAND: My name is Crystal

1 Moreland, and I'm here on behalf of the Humane  
2 Society of the United States and represent our  
3 constituent of millions of supporters who strongly  
4 opposed third-party inspections at USDA  
5 facilities.

6           Since 1966, the USDA has been charged by  
7 Congress with the enforcement of the Animal  
8 Welfare Act by conducting inspections and ensuring  
9 compliance with licensed and registered  
10 facilities, including zoos, commercial dog  
11 breeders, and research facilities. So, for the  
12 past 50 years, we as a nation have valued the  
13 independent nature of these government-led  
14 inspections.

15           Any plan to shift federal oversight to  
16 third parties blurs the lines between regulators  
17 and the regulated community. This creates a  
18 dangerous environment of industry self-policing  
19 that will harm animals and shortchange taxpayers  
20 who expect the agency to carry out its  
21 responsibilities.

22           If the agency were to go forward with the

1 idea of giving credit to facilities that pass  
2 third-party inspections, it will further weaken  
3 the USDA's ability to enforce the Animal Welfare  
4 Act.

5           Third-party oversight of animal welfare  
6 is fraught with problems, including the conflict  
7 of interest that inevitably will arise. This  
8 incentivizes private inspectors to ignore  
9 conditions which would constitute violations of  
10 laws. The USDA has its own past experiences to  
11 learn from in delegating animal welfare monitoring  
12 to private third-party inspectors. Under the  
13 Horse Protection Act, inspections at Tennessee  
14 Walking Horse Shows are conducted by private  
15 inspectors who are industry employees and  
16 exhibitors. These inspectors are supposed to help  
17 eliminate the cruel practice of horse soring, but  
18 instead they have mostly served to help cover up  
19 its continued use.

20           One can easily see the similar problems  
21 arising if federal inspections of puppy mills were  
22 substituted for inspections by the American Kennel

1 Club, an organization that collects dues from its  
2 accredited members and routinely fights against  
3 state and federal laws designed to improve the  
4 living conditions for dogs. We already know, for  
5 instance, where dog breeders have failed USDA  
6 inspections despite remaining accredited by AKC.

7           Another problem with third-party  
8 inspections is transparency. Many organizations  
9 may be unwilling to share information with the  
10 public, which will exacerbate a preexisting  
11 problem. Currently, the public does not have  
12 sufficient access to enforcement records to be  
13 able to identify which breeders or which zoos are  
14 in chronic violation of the Animal Welfare Act.  
15 It has already proven difficult to obtain this  
16 data from the government, and it will be more  
17 difficult to obtain from third parties.

18           Concern over weakening the Animal Welfare  
19 Act enforcement has been strongly voiced by  
20 lawmakers, participants in regulated industries  
21 who want to be able to show that they have  
22 legitimacy and clean records because they take

1 animal welfare seriously, and a wide range of  
2 private citizens concerned about good governance.  
3 In a 2010 audit by the USDA Inspector General on  
4 the industry-based inspections done in Tennessee  
5 Walking Horse Shows, it has exposed how flawed the  
6 system of self-policing really is. The audit  
7 itself recommended that the USDA abolish the  
8 program altogether and resume its full oversight  
9 authority.

10 Congress and the American people have  
11 instructed the agency through the Animal Welfare  
12 Act to protect animals. We ask you to maintain  
13 the integrity of this responsibility and to take  
14 into consideration the tens of thousands of  
15 animals who will be detrimentally impacted by the  
16 privatization and outsourcing of federal animal  
17 welfare inspectors. Thank you.

18 MS. JAN STEVENSON: Good morning,  
19 everyone. My name is Jan Stevenson, and I'm a  
20 volunteer with the Humane Society of the United  
21 States as one of their volunteer District Leaders.  
22 I'm also speaking here as a private citizen.

1           I've been involved in many different  
2 forms of animal advocacy, and I do a lot of  
3 direct-care responsibilities with local shelters  
4 and with all sorts of local activities surrounding  
5 animals. I am here also today, this morning, to  
6 just go on record to urge that the USDA not  
7 privatize the inspection process for the  
8 certification and the inspectors themselves. I  
9 feel that any plan to shift federal oversight to  
10 third parties does blur the line between  
11 regulators and the regulated community and creates  
12 a dangerous environment of industry self-policing  
13 that will harm animals and shortchange the  
14 taxpayers who expect this agency to carry out its  
15 responsibilities.

16           Basically, Congress and the American  
17 people have instructed the agency through the AWA  
18 to protect animals, and we ask that you maintain  
19 the integrity of this responsibility and take into  
20 consideration the tens of thousands of animals who  
21 will be detrimentally impacted by the  
22 privatization and outsourcing of the federal

1 animal welfare inspectors. Thank you.

2 MR. CHRISTOPHER WINN: My name is  
3 Christopher Winn. I'm a volunteer District Leader  
4 with the US Humane Society. I've also, over the  
5 last 20 years, volunteered with most of the groups  
6 you've heard of in a variety of political, social,  
7 usually environmental stuff, and I want to talk  
8 about some larger principles that work and don't  
9 work.

10 As an example of larger principles of  
11 things that work, I want to talk about -- I want  
12 to take a bit of a jump to the coast. I spent  
13 most of my life living along the coast in  
14 California here, and we've done some marvelous  
15 things along the coast. We've got some  
16 opportunities certainly on, let's say, the care of  
17 Orcas, but in general when you consider the state  
18 of our coasts in the 1970s, we've made some great  
19 strides. We've done things like marine protected  
20 areas where animals can regenerate, where they  
21 can, you know, feel safe. We've also done it in  
22 collaboration with people who would seem to be in

1 conflict with us -- fisherman, for example -- and,  
2 some of the solutions that people have come up  
3 with collaboratively are things like marine-  
4 protected animals -- marine-protected areas that  
5 are enforced at certain times of year. So, if a  
6 Leatherback Sea Turtle comes 6,000 miles from  
7 Indonesia to feed here, there's certain  
8 regulations to protect them at certain times of  
9 year. Other times, when we pretty much know  
10 they're not here, there's more room for fisherman.

11           So, how do we get there? We got there  
12 through conflict, through collaboration, through  
13 the public being represented, so everybody having  
14 a sense that me, John Q. Public, is represented in  
15 the room even if I'm not in the room, and by also  
16 having vigorous debate, like people saying, hey,  
17 you seem to have a different view than me, but I'm  
18 going to walk over to your side of the aisle, I'm  
19 going to shake your hand, I'm going to get to know  
20 what your views are. Maybe I'm going to buy fish  
21 off your boat so I can better understand you or  
22 your community.

1           Jumping us back off the coast to here in  
2 this current regulation covers more than just the  
3 coast. It covers a whole variety of areas, and I  
4 like the idea of strategically using limited  
5 government resources in a more efficient way. My  
6 problem is, and as other folks have quoted, is  
7 where the public is represented. So, things that  
8 we've done on the coast that work well in the  
9 sense that John Q. Public is represented in all of  
10 these various times, however unperfectly. With  
11 third-party inspectors, I think there's a  
12 structural conflict there in that the public isn't  
13 properly represented. For example, with the  
14 Kennel Club -- The American Kennel Club -- are  
15 those people good-hearted people who do well? In  
16 general, I would agree, yes. Is there a  
17 structural conflict of interest? Yeah. They get  
18 paid by their members. It makes it a bit  
19 difficult even in the best of circumstances for  
20 them to effectively advocate for the public, because  
21 they're advocating for their members and the  
22 public at the same time. I'm not saying that

1 they're doing -- that I mistrust them, but I  
2 question whether they can at the same time  
3 represent their members and represent the public.

4 I would urge you as you try to  
5 strategically allocate resources to always think  
6 of how the public is best represented and how  
7 we've done it well historically here is through  
8 that kind of controlled conflict with the  
9 government kind of acting as an empire and saying,  
10 here's the minimums, here's the goals, here's how  
11 everybody has a stake in it, and when all of those  
12 stakeholders are represented and no one  
13 stakeholder has an advantage, which I think this -  
14 - however well intentioned, I think this will give  
15 certain stakeholders certain advantages by that  
16 conflict of their membership versus representing  
17 the public. I hope you'll take that under  
18 consideration as you craft these rules. Thank you  
19 for listening.

20 MR. MIKE TUCK: Okay. We've come to the  
21 end of our list here. Is there anybody who came  
22 in late that we didn't allow the opportunity to

1 speak? Anybody that would like to speak? Okay.  
2 Please come up. Again, state your name and  
3 affiliation.

4 DR. JAMES HAY: I'm not a public speaker,  
5 and I didn't come here to speak. I just came to  
6 listen. My name is Dr. James Hay. I'm a  
7 veterinarian, and in the macular of our President,  
8 I'm the greatest veterinarian you'll ever see.

9 Given the proper guidelines, I would be  
10 glad to be a third-party inspector. I have done a  
11 lot of pro bono work just to be sure that the  
12 animal gets the care it deserves. You can tell  
13 I'm pretty nervous -- I don't do this very much.  
14 One question I had in listening to some of the  
15 comments is, how do these isolated incidents  
16 correlate to third-party inspections? Things that  
17 have been brought to light here are things that  
18 happen. If third-party inspection or USDA having  
19 an inspection on a routine, regular basis or done  
20 as a pop inspection wouldn't have prevented a lot  
21 of these things. Stuff happens. Animals get  
22 hurt. And, my job is to fix it and to try to

1 prevent it from happening again.

2           I'm a little insulted to think that  
3 organizations like PETA -- and not just singling  
4 them out, there's quite a few of them -- would  
5 think that I would compromise my profession and my  
6 veterinary oath for money. I have an allegiance  
7 to the animal. Given the proper guidelines to  
8 follow, I would be glad to help animal facilities  
9 come into compliance, but I need to know what  
10 those requirements are. The public wouldn't lose  
11 sight of -- the public would still be represented.  
12 We're losing sight of what the USDA is talking  
13 about here. They're still going to have  
14 oversight, and given some sort of a form or  
15 compliance guidelines, it could be filled out, it  
16 could be on file. The USDA could come and make  
17 sure that it is being complied with on a regular  
18 basis. They're just talking about limiting their  
19 inspections so it saves them resources that can be  
20 used other places. I just don't see where that's  
21 a problem. So, there would still be oversight.

22           The one thing that I see that we lose

1 sight of is that everyone in this room is  
2 concerned about the care and consideration and  
3 welfare of animals. We're all here for the same  
4 thing. Let's not be in conflict.

5 DR. CAROL MESCHTER: I'm Dr. Carol  
6 Meschter. I'm a laboratory animal veterinarian  
7 and also a retired equine practitioner. I've been  
8 in this business for 30 years. I ride horses  
9 semi-professionally, and I breed dogs. I received  
10 my DVM and Ph.D. training from Cornell. I'm Board  
11 Certified. I have over a hundred peer-reviewed  
12 publications, and I've written book chapters on  
13 the three Rs, so I think that I'm in a position to  
14 have a comment on the care and use of laboratory  
15 animals and the role of the USDA in this.

16 When I was in New York, the veterinary  
17 medical inspectors were knowledgeable, friendly,  
18 and helpful. They came to our facilities and they  
19 wanted the best for the animals and the best for  
20 the animal care. But, I've noticed a change in  
21 this over the past 20 or 30 years, and in the past  
22 20 years since I've been here in California, with

1 the veterinary medical officers, in addition to  
2 not really knowing very much about laboratory  
3 animals, not really knowing very much about  
4 research, are progressively hostile and  
5 antagonistic toward the laboratory animal  
6 veterinarians in a way that is really pretty  
7 shocking. And, I have come to the conclusion  
8 based on what I've been looking at plus what I've  
9 been reading that there's a lot of influence of  
10 animal rights groups into the USDA veterinary  
11 medical inspecting process in order to damage the  
12 biomedical research environment that we all depend  
13 on and that we all hope is going to produce good  
14 medicines for both our animals and ourselves.

15           Now, I find AALAC to be an excellent  
16 organization. We're AALAC accredited. I think  
17 they're terrific. I think OLAW is great. The  
18 USDA is great. There are people here talking  
19 about things that happen to animals. Well,  
20 occasionally when you have a herd environment,  
21 whether it's a large number of monkeys, large  
22 number of rats, large number of horses, animals

1 occasionally are hurt unfortunately, and sometimes  
2 the technicians don't do their jobs. But, this  
3 does not mean that there is widespread animal  
4 neglect and abuse in the biomedical community as  
5 has been put forth all morning by these different  
6 people from the animal rights organizations.

7           I would propose that the laboratory  
8 animals that we all are familiar with are the best  
9 taken care of animals anywhere in the country.  
10 Their care exceeds that of race horses, show  
11 horses, show dogs, and is better than most  
12 children. The federal government seems to have no  
13 indication of any interest in childhood  
14 vaccinations, dental care, eye care, medical care  
15 for impoverished children, but they are willing to  
16 spend infinite amounts of money assuring the  
17 welfare of hamsters, guinea pigs, and rabbits, who  
18 are the main animals used in biomedical research  
19 in addition to mice and rats. Monkeys are very  
20 rarely used in terms of the overall number of  
21 animals, as are dogs. So, I think that we can say  
22 that in this country, animals in the laboratory

1 environment are extremely well cared for.

2           Animal rights organizations have pretty  
3 much damaged the biomedical research in Europe.  
4 They really don't do much, so all of it is from  
5 here. But, there is so much pressure now. PETA  
6 has just declared, as has the HSUS, that they want  
7 to destroy biomedical research in the United  
8 States. What that will mean -- if they're  
9 successful in doing that -- is that biomedical  
10 research will go to China, which it's already  
11 going. Do we really want our cancer treatments  
12 coming out of some lab in China? Do we really  
13 think that the third world can exceed our country  
14 in terms of its ability to develop vaccines, flu  
15 vaccines, childhood vaccines, treatment for cancer  
16 -- all the things that we are depending on the  
17 biomedical research community to produce.

18           The FDA, Congress, and the American  
19 public want good drugs. They want new drugs.  
20 They want safe drugs. They want dewormers, flea  
21 treatments, cancer treatments, treatment for  
22 diabetes, okay? We all want that. The FDA wants

1 it, but yet we have apparently the USDA working in  
2 concert with both APHIS and -- not with APHIS --  
3 with HSUS and PETA to stop all biomedical  
4 research. Do we really not want to have a new flu  
5 vaccine next year? Do we really want to move all  
6 of our research to Canada -- to China? We do not.  
7 Right? So, this is what we're dealing with here.

8           The idea of a third-party inspection --  
9 you know -- I thought about this a lot. I don't  
10 think that there's the right people around to do  
11 that. Already, HSUS and PETA have infiltrated  
12 most large universities putting plants into  
13 universities, feedlots, animal places to take  
14 pictures surreptitiously and then put out these  
15 nasty reports that are primarily wrong, and now  
16 you want to take people to volunteer to be  
17 inspectors, and guess who they're going to be?  
18 They're going to be PETA plants, all right?  
19 You're going to have PETA plants in there doing  
20 inspections, masquerading that they know something  
21 about his, in your animal facilities, with  
22 cameras, taking pictures, pictures of doors,

1 pictures of windows, pictures of people, and  
2 setting up a situation where animal rights  
3 activities can break into facilities, steal  
4 things, kill animals, and destroy facilities. I'm  
5 very opposed to this, as you can see.

6           But, what I would propose and support is  
7 that, for example, AALAC-accredited, OLAW-  
8 accredited places, and places with FDA  
9 registrations are exempted from USDA inspections.  
10 If we're AALAC accredited, we don't need a USDA  
11 inspection. We're already good enough. Our  
12 animal care is excellent. And, I think that they  
13 need to be working more on puppy mills, petting  
14 zoos, places where animals really are being abused  
15 rather than using their ability to enforce to try  
16 to shut down and stop biomedical research in the  
17 United States. Thank you.

18           MR. MIKE TUCK: Okay. That's the last of  
19 our speakers. I would like to thank everybody for  
20 coming out here today, and if you parked out in  
21 the parking lot, we have a blue ticket that will  
22 give you a discounted fee on the way out. So,

1 again, we appreciate it. Written comments can be  
2 sent, again, to USDA-APHIS, 4700 River Road,  
3 Riverdale, Maryland. Take care. Again, we have  
4 three more listening sessions in person and one by  
5 phone, and that information is on our webpage.  
6 Have a great day.

7 UNIDENTIFIED FEMALE SPEAKER: Sorry,  
8 quick question. Will you be making a transcript  
9 available online?

10 MR. MIKE TUCK: Yes, it will be probably  
11 within a month or so.

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

13

14

15

16

17

18

19

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

CERTIFICATE OF TRANSCRIPTIONIST

I, Pamela Ann Flutie, do hereby certify that the foregoing proceeding was transcribed from a digital audio recording provided to me by USDA-APHIS and thereafter was reduced to typewriting by me or under my direction.

I am not related to any of the parties in this matter, and this transcript is a true and accurate record of said audio recording to the best of my ability. The above information has been transcribed by me with a pledge of confidence, and

I do hereby certify that I will not discuss or release the content or any information contained herein.

Pamela A. Flutie

Pamela A. Flutie

Transcriptionist

Central Valley Transcription