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United States Department of Agriculture
Animal and Plant Health Inspection Service

Third-Party Inspection and Certification
Listening Session

Thursday, February 22, 2018
9:00 a.m. to 1:00 p.m.

USDA, APHIS
6501 Beacon Road
Kansas City, MO 64133

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

2 MR. MIKE TUCK: Good morning everyone,
3 and welcome to the Listening Session APHIS, Animal
4 Care is holding to gather your comments to aid in
5 the development of criteria for recognizing the
6 use of Third-Party Inspection and Certification
7 Programs as a positive factor when determining
8 APHIS Inspection frequencies at facilities
9 licensed or registered under the Animal Welfare
10 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. One of my rules is to
14 start on time. I already failed that, but we'll
15 try to proceed as we can.

16 In addition to this session, we
17 previously have held sessions in Santa Clara,
18 California and Riverdale, Maryland. We have
19 future in-person sessions planned for March 8th in
20 Tampa, Florida and Columbus, Ohio on March 22nd.
21 We also will have a phone-in session scheduled for
22 March 14th for those who are unable to attend in

1 person. Additional details for these sessions can
2 be found on the APHIS, Animal Care webpage. Also,
3 written comments can also be sent to
4 regulations.gov, Docket ID Aphis-2017-0102.

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

20 We are lucky today to have Dr. Betty
21 Goldentyer, our Associate Deputy Administrator for
22 Animal Care, and Dr. Nora Wineland, who is the

1 Director of the Center for Animal Welfare here in
2 Kansas City. At this time, we are here to listen
3 to your comments and will not be responding to any
4 comments or any questions.

5 Deputy Goldentyre would like to give a
6 short overview of the third-party program. Betty.

7 BETTY GOLDENTYRE: Thanks, Mike. And,
8 thank you so much for making the trip out here.
9 Between the weather and the security, we're really
10 glad you got through it all to join us today.
11 It's really a great opportunity for Animal Care to
12 be able to spend some time listening to our
13 stakeholders. So, we really value that
14 opportunity, and we're glad you're here.

15 Bernadette Juarez, our Deputy
16 Administrator for Animal Care, was going to be
17 here. She got to the airport last night, and her
18 flight was cancelled. So, there was no way to
19 rebook. She sends her appreciation as well for
20 all of you making the trip in here.

21 I'm not going to spend too much time
22 talking because really this is a listening

1 session, and we mean it, but I did want to just
2 spend a couple minutes clearing up a couple of
3 areas of confusion or maybe some misunderstanding
4 that we encountered at the first couple of
5 listening sessions, and people have called us and
6 that kind of thing with just some concerns. So,
7 we'll just kind of go through those quickly.

8 First, with this consideration of third-
9 party certification as part of our decisions on
10 the frequency of inspection. Animal Care has no
11 intention of stopping our routine unannounced
12 inspections. We have no intention of handing our
13 inspections over to anyone. So, this is -- what
14 you want to do is think about this as an
15 additional factor, but in no way are we giving
16 over the inspections to anyone.

17 Our purpose in doing this is to see if
18 there is any way we could possibly leverage some
19 of our resources -- some things that are out there
20 in the community that help us know whether
21 facilities are in compliance or not -- so that we
22 can move resources where they are most needed.

1 And, everyone knows there are limited resources.
2 We want to do this as efficiently as possible,
3 most bang for the buck, and if there's a better
4 way to do that, that's what we want to hear from
5 you.

6 I want to make sure everyone is clear
7 that whatever we might come up with would be
8 completely voluntary on the part of the licensees
9 and registrants, and also that nothing has been
10 decided. So, we're here to listen. We haven't
11 made any decisions. We don't have any direction
12 in mind. We have put together a committee of
13 internal Animal Care employees. We're going to
14 read through all these transcripts again. We're
15 going to look at the written comments that have
16 come in. We're going to take everything we can
17 that comes in to us, and then we'll start thinking
18 about what path might work for us, if any. But,
19 there really have been no decisions made at this
20 time.

21 And those are kind of the three most
22 common misconceptions. So, hopefully we can kind

1 of start out those and can't want to hear what
2 everyone has to say. So, thank you again for
3 coming.

4 MIKE TUCK: All right. Thank you, Betty.
5 I would like to call three people up at the same
6 time. Just have a seat here, and then you can
7 come to the microphone. Bernadette Basham, Kevin
8 Beauchamp, and Rodney Blosser.

9 And, I just want to remind everybody when
10 they come up here to state your name and any
11 affiliation you have, and also if you have written
12 comments, please leave them with us at the table.
13 Thank you.

14 BERNADETTE BASHAM: All right. Well,
15 nothing like being first. Thanks. My name is
16 Bernadette Basham, and I'm representing myself as
17 a private taxpayer.

18 So, good morning, and thank you for
19 allowing me to voice my request on the decision of
20 whether the USDA should allow third-party programs
21 to inspect facilities regulated under the Animal
22 Welfare Act. I strongly oppose the use of the

1 proposed third-party inspections by the USDA, and
2 here's why.

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

11 Any plan to shift federal oversight to
12 third parties blurs the lines between the
13 regulators and the regulated community and creates
14 a dangerous environment of industry self-policing
15 that will harm animals and shortchange taxpayers,
16 like me, who expect the agency to carry out its
17 responsibilities it promised me.

18 Additionally, the third-party programs
19 will be businesses, even if they are made
20 accountable to the USDA. There are critical
21 differences between a government agency and a
22 business. A government agency is more likely to

1 be transparent and work outside of the industry it
2 is governing. A business is usually run for
3 profit and needs to be part of an industry in
4 order to succeed. As businesses, the third-party
5 programs will need to hire people in their
6 industry who have ties to the industry, resulting
7 in a potential conflict of interest. They will
8 have no incentive or reason for transparency.
9 Some third-party programs may need to charge dues
10 to keep up with expenses. This may impose a
11 hardship upon the facility and create a club-like
12 atmosphere that needs members to sustain itself
13 instead of an independent body of professionals,
14 such as the USDA.

15 Another crucial difference between a
16 government agency and a private business is that
17 business can and do influence laws. Many business
18 organizations have political action committees
19 with lobbyists who influence legislators and
20 bills. If the third-party program can influence
21 laws, it can never be an independent organization.

22 Concern over weakening the Animal Welfare

1 Act and its enforcement has been strongly voiced
2 by lawmakers, participants in regulated industries
3 who want to be able to show that they have clean
4 records because they take animal welfare
5 seriously, and a wide range of private citizens,
6 such as myself, concerned about good government.
7 As a reminder, just eight years ago, as you well
8 know, in 2010, an audit was done by the USDA
9 Inspector General, and it exposed how flawed the
10 system of self-policing is. The audit recommended
11 that the USDA abolish the program altogether and
12 resume its full oversight authority.

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

21 In summary, I ask you to oppose this
22 third-party proposal. It is impossible to uphold

1 the Animal Welfare Act standards when your
2 organization is not the one doing it and
3 inspecting it. Only the USDA can do the job that
4 Congress has instructed it to do. Thank you.

5 KEVIN BEAUCHAMP: Kevin Beauchamp with
6 Missouri Pet Breeders Association. I just want to
7 be here to say that I believe that the states
8 should be the third-party inspections. They've
9 already got better rules -- Missouri does -- than
10 USDA, so they should be the first in line to be
11 the third party. That's all I've got to say. I
12 really don't like it to be a business because you
13 never know who they're going to hire in or what
14 people is going to apply. They'll be in there
15 inspecting us.

16 RODNEY BLOSSER: Rodney Blosser from
17 Missouri Pet Breeders Association. I am kind of
18 the same way. I don't like to see the third party
19 come in if it's going to be run by just the Humane
20 Society or something like that. But, the state is
21 doing their job. They're the ones that are doing
22 -- they are a higher standard than a lot of the

1 other places have. So, I would say if they do
2 that, we're in good shape. Thank you.

3 MIKE TUCK: Okay. Can I have Janet
4 Donnelly, Amanda Good, and Susan Kaufmann. Janet.

5 JANET DONNELLY: My name is Janet
6 Donnelly. I represent Oklahoma Pet Professionals,
7 the Breeder Leadership Council, myself personally
8 as a taxpayer, and as a long-time carer and raiser
9 of animals. I was raised on a farm. I learned
10 early on how to take care of animals, and I
11 learned the difference between animal welfare and
12 animal rights.

13 Everybody that raises animals know they
14 have to take care of their animals in order to
15 have a thriving business. There is no good
16 business model that dictates bad treatment of our
17 animals.

18 So far as the third-party inspection, I'm
19 also involved professionally with environmental
20 business. A number of years ago, the EPA was the
21 primary licensing agent for all water and
22 wastewater systems. Over time, they have

1 migrating toward giving states what they call
2 primacy. So, every state through their Department
3 of Health, Department of Environmental Quality,
4 whatever department they decided to name
5 themselves in order to take over the oversight of
6 the water and wastewater systems -- they had to
7 prove that they were capable of doing it, that
8 they had the manpower, and they had the
9 legislative support to make their laws equal to or
10 greater than the Environmental Protection Agency.

11 During that transition, any facilities
12 that were noncompliant with their EPA inspections
13 were not eligible to be overseen by the state
14 agencies. Over a period of time -- whether it was
15 five years or ten years -- as those noncompliant
16 participants gained compliance, then they moved
17 into the mainstream oversight from the state.

18 I see this as a successful model. On the
19 other side of that, EPA sends some of their money
20 to the states to administer their programs, which
21 that makes sense also because we can't ask states
22 to regulate without the federal funding to do it.

1 I have a lot of other thoughts on it. I
2 don't really have them put together yet. I will
3 prepare thoughts and put it on the website. But,
4 as for now, I think that's all I have to say.

5 AMANDA GOOD: Hello. Thank you for the
6 opportunity to speak today. My name is Amanda
7 Good, and I'm the State Director for the Humane
8 Society of the United States. I wanted to talk
9 briefly today about animals and research.

10 The Association for Assessment and
11 Accreditation of Laboratory Animal Care, AAALAC
12 International, is currently the only private
13 nonprofit organization that runs a voluntary
14 accreditation and assessment program for
15 facilities engaged in animal research. They do
16 not use the Animal Welfare Act and corresponding
17 regulations as the basis for evaluating research
18 facilities and their animal care and use programs.

19 Relying on them to fulfill requirements
20 of the Animal Welfare Act inspection would not
21 insure consistently with applicable laws and
22 regulations. AAALAC's Accreditation Program has

1 several disadvantages for protecting animal
2 welfare when compared with the USDA inspections.
3 Because they are a private organization, there is
4 no public accountability or oversight of their
5 decisions. The results of site visits at
6 individual institutions are not available to the
7 public, unlike USDA inspection reports.
8 Additionally, the AAALAC Council on Accreditation
9 are members of the research community.

10 Therefore, relying on AAALAC site visits
11 and accreditation means that the community would
12 be policing itself. Self-policing is an utter
13 failure when it comes to protecting animals.

14 In contrast with annual USDA inspections,
15 AAALAC only visits research facilities every three
16 years, making their accreditation a wholly
17 unreliable and insufficient gauge of current
18 animal welfare concerns. These site visits are
19 also scheduled in advanced as opposed to
20 unannounced, giving facilities the opportunity to
21 clean up or cover up potential areas of
22 noncompliance.

1 If problems are identified during AAALAC
2 site visits, not only are these findings not
3 accessible to the public, but there are no
4 consequences for the facility other than the
5 possibility of losing accreditation. Because
6 there is no way to review the findings of AAALAC
7 site visits, we must rely on information from USDA
8 inspections to determine the adherence to Animal
9 Welfare standards by accredited facilities.

10 A review of recent USDA inspection
11 reports reveals that AAALAC-accredited facilities
12 have been cited for violations such as inadequate
13 veterinary care, improper animal handling, and
14 problems with institutional animal care and use
15 committee oversight. Even after information is
16 made available to the public about a research
17 facility's substandard conditions and animal
18 welfare violations, facilities are able to
19 maintain AAALAC accreditation.

20 It is clear that AAALAC accreditation
21 cannot and should not be the substitute for
22 thorough annual USDA inspections at research

1 facilities. USDA may wish to examine AAALAC site
2 visit results and other AAALAC documents as part
3 of inspections, but in order to fulfill the
4 agency's responsibility to enforce the Animal
5 Welfare Act and its corresponding regulations, you
6 must maintain a constant commitment to regular
7 unannounced inspections at least annually, as
8 required by the Animal Welfare Act. Additional
9 inspections by USDA should be carried out for the
10 facilities that have direct violations of impact
11 on animal welfare. Thank you.

12 SUSAN KAUFMANN: Hi. My name is Susan
13 Kaufmann, and I'm here as a concerned taxpayer.
14 I'm also on the Board of Directors for a local
15 animal shelter and rescue organization. So much
16 of what I want to say echoes what our first
17 speaker said, so I'm just going to focus on a
18 couple of additional points to what she said.

19 The USDA has in its own past experienced
20 -- sorry, let me start again. The USDA has its
21 own past experience to learn from in delegating
22 animal welfare monitoring to private third-party

1 inspectors. Under the Horse Protection Act,
2 inspections at Tennessee Walking Horse Shows are
3 conducted by private inspectors who are industry
4 employees and exhibitors. These inspectors were
5 supposed to help eliminate the cruel practice of
6 soring horses, but instead have served mostly to
7 help cover up its continued use. One can easily
8 see similar problems arising if federal
9 inspections of puppy mills were substituted for
10 inspections by American Kennel Club, an
11 organization that collects dues from its
12 accredited members and routinely fights against
13 states and federal laws designed to improve the
14 living conditions for dogs. We already know of
15 instances where dog breeders have failed USDA
16 inspections despite remaining accredited by the
17 AKC.

18 And, I echo this gentleman's point that
19 it does make a lot of sense at the state level, as
20 long as it's a government entity working with the
21 USDA to enforce the Animal Welfare Act. That
22 makes a lot of sense to me. I hadn't really

1 thought about it that way.

2 So, I think it's really more of having
3 the inspectors be those who are actually making
4 money in that same industry. So, that would be my
5 concern. Thank you very much the opportunity to
6 talk with you all.

7 MIKE TUCKER: Okay. Could I have Steve
8 Kruse, Joan Nickum, and Gary Phillips. Steve.

9 STEVE KRUSE: I'm Steve Kruse, and since,
10 I guess, they're not going to give inspections
11 over to anyone, what's the point of having third-
12 party inspection and costing taxpayers more money?
13 And, also in the state of Iowa, APHIS doesn't care
14 what our state says anyway. I've already had a
15 state veterinarian out there, the compliance
16 officer, and a livestock specialist, but they
17 could care less what they say because APHIS is
18 going to have the last say. So, why waste
19 taxpayer's money with third-party inspection if
20 USDA, APHIS has last say anyway? It's just going
21 to cost more money.

22 GARY PHILLIPS: I'm going to do the best

1 I can. This ice storm brought me more than just
2 ice. My name is Gary Phillips, and I'm with the
3 Oklahoma Pet Professionals. I'm also a taxpayer
4 and a professional breeder and have been for 20+
5 years. I've raised animals all my life.

6 I'm kind of, like Kevin said, in favor of
7 states doing the third-party inspection. I also
8 think that they should inspect all of the entities
9 that are dealing with the puppy industry such as
10 the rescues and anyone -- anyone involved in it --
11 because they become an unlicensed broker at that
12 point. At this time, I think I'm done. Thank
13 you.

14 MIKE TUCK: Okay. Can I have Bill
15 Jordan, Lynne Rees, and Susie Reid. Lynne Rees
16 and Susie Reed. Is Susie here?

17 LYNNE REES: Hello. My name is Lynne
18 Rees. I'm from Kansas City, and I'm an advocate
19 for humane treatment of all animals, and I'm a
20 private taxpayer and citizen.

21 APHIS has proposed the use of third-party
22 inspectors for APHIS-licensed facilities

1 presumably for budget and staffing reasons. I
2 want to address the issue -- this issue,
3 specifically talking about puppy mills or
4 commercial dog-breeding operations.

5 I guess we're all familiar here in the
6 room of what we are referring to when we're
7 talking about commercial dog breeding or puppy
8 mills. But, these puppy mills many times -- many,
9 many times are poorly run. They lack basic care
10 and sanitation, and the dogs within them suffer
11 from illness, injury, and disease in spite of the
12 Animal Welfare Act and the USDA and APHIS
13 oversight and inspection process.

14 Because sick and diseased puppy mill dogs
15 are sold directly or through pet shops or via the
16 Internet, 250 municipalities have banned the sale
17 of commercially raised puppies and kittens in pet
18 stores. In October, California became the first
19 state to enact such a ban, and half a dozen other
20 states are considering similar legislation this
21 year. There are also 22 states that have enacted
22 puppy lemon laws to protect consumers who have

1 paid for healthy puppies but instead have received
2 a sick or diseased puppy, which then caused them
3 to spend lots of money to try to make this puppy
4 well.

5 It should also be noted that USDA's
6 removal of the Animal Welfare Inspection Reports
7 from its website has further placed the public in
8 an untenable position, which has further
9 encouraged such measures as I have just discussed.

10 My point here is that third-party
11 inspectors is not a solution to the failure to
12 provide proper oversight and inspection of the
13 Animal Welfare Act. In fact, it will further
14 exacerbate a system that has failed to ensure the
15 enforcement of the Animal Welfare Act.

16 The largest third-party inspection and
17 certification program is run by the American
18 Kennel Club, or the AKC. The AKC used to be
19 thought of as a champion for dogs and was
20 associated with quality dog breeding. Today, it
21 is so closely tied or aligned to the industry,
22 that it is not any longer impartial. It routinely

1 opposes any and all regulation of dog breeders.

2 A 2015 overview of AKC lobbying reveals
3 that the AKC has opposed more than 150 different
4 state bills designed to regulate dog breeders or
5 require the most basic standards of care of dogs.
6 The reason for this is clear. The bulk of AKC
7 revenue is made up from registering of dogs.
8 Every time there's a litter born, a dog or an
9 individual puppy is registered with the AKC. They
10 receive a registration fee. Puppy mills are, in
11 fact, their customers -- the AKC's customers --
12 and the AKC makes a lot of money registering their
13 litters and puppies. Allowing an entity that
14 profits from an industry to be involved in the
15 enforcement of the Animal Welfare Act completely
16 undermines the federal regulation, and I oppose it
17 vehemently.

18 Likewise, allowing an industry group,
19 like a professional dog breeders group or a
20 national dog club, also is inappropriate. An
21 example is of the Missouri Pet Breeders
22 Association right here in Missouri. Their

1 president, according to the USDA's own records,
2 has been warned repeatedly for violating Animal
3 Welfare Act regulations, and an official complaint
4 was lodged against him for failing to allow
5 federal inspectors to inspect his kennel.
6 Numerous times he has failed to allow inspectors
7 on his property. When his kennel was finally
8 inspected, two emaciated Boxers were found, a
9 Bulldog with a mass around his eye, and a Lhasa
10 Apso was weak and lethargic. And, this is the
11 leader of the most visible pet breeder association
12 in Missouri -- one that hundreds of members belong
13 to.

14 Many breeders belong to industry groups,
15 which one would think would mean that they are
16 conscientious breeders; however, many of these
17 same breeders have subpar records and play a part
18 in lobbying against stronger laws or enforcement
19 of existing laws. We must not place Animal
20 Welfare Act regulatory oversight and enforcement
21 in the hands of industry groups or the AKC for the
22 above reason.

1 In summary, my main point is to keep the
2 public's confidence in the integrity of the USDA
3 and APHIS oversight and inspection and to ensure
4 that animals are cared for humanely and in
5 accordance with the Animal Welfare Act, we must
6 have the most impartial inspection process
7 possible, and this means one which the inspectors
8 have no financial, professional, or even social
9 ties to the operations they are inspecting. Thank
10 you.

11 MIKE TUCKER: Okay. Can I have Angela
12 Shubert, Kevin Stamps, and Delcianna Winders.
13 Angela.

14 ANGELA SHUBERT: I'm Angela Shubert. I
15 am a taxpayer and a concerned citizen. I have
16 been -- I have provided a packet with evidence to
17 support my findings regarding the info on the
18 third-party request. I'll be brief on questions
19 1-4, and I'm mainly going to address and offer
20 solutions within the 5th request.

21 There is no legal benefit for the use of
22 third parties other than bragging rights as pet

1 stores or online sale sources would not be able to
2 use it, as they are required to use APHIS results
3 only. There is an obvious risk of animal rights
4 groups infiltrating the program. Third parties
5 are highly susceptible to corruption. But, the
6 utmost concern should be the biohazards resulting
7 from ill-trained inspectors.

8 My first suggestion to question 5 is to
9 offer the option to pay double our fees as to
10 receive two professional APHIS inspections a year.
11 I'll have the security of a professional
12 inspector, and it looks good on paper.

13 The second this is, this program has got
14 to stop using the word violation. We need another
15 way or word in which to grade our performance. I
16 suggest a five-star merit-based system like used
17 to grade a restaurant.

18 The third thing is USDA is failing to
19 protect its inspectors and licensees by allowing
20 animal rights groups to continue to violate the
21 ____ Act with false advertising about the Animal
22 Welfare Act, USDA breeders, zoos, circuses, and

1 our food animals. This is creating a mob
2 mentality toward our legal entities, leading to
3 terroristic activities. We now live in fear.
4 Why?

5 The fourth thing is there has been uptick
6 of illegal seizures from rogue animal rights
7 groups who are stealing our animals under the
8 guise of neglect and cruelty. Without black and
9 white definitions of these words, their opinions
10 are all that's needed to violate our 4th Amendment
11 rights, mishandle, kill, and sell our seized
12 animals before we receive a day in court.

13 In my packet, I have provided language
14 for an illegal seizure bill. I believe that if
15 you implement this language into federal law, more
16 unlicensed kennels would participate in the USDA
17 Program as to be protected from the animal rights
18 activists.

19 The fifth thing is APHIS needs to
20 actively address the current proposed bills in
21 Congress designed to revise the Animal Welfare Act
22 standards. The first one is the WOOF Bill that

1 violates the 14th Amendment. The second bill is
2 called the Puppy Protection Act and is based on
3 Purdue studies that was paid for by HSUS and USDA
4 to prove that Animal Welfare Act standards were
5 inferior. Have you read the results for these
6 studies? Most of the findings favor the current
7 Animal Welfare Act. The rest of the words used
8 may or could and is as inconclusive as I may get
9 cancer from drinking milk.

10 These animal rights groups are trying to
11 harm our animals by implementing their beliefs of
12 what they feel is more humane care while
13 completing ignoring veterinarians and scientists.
14 The proposed Canine Care Certification Program is
15 an attempt to monopolize the industry. It is
16 financially unsustainable and medically unsound.
17 Therefore, it's only a rouse of superior canine
18 welfare.

19 Why are we licensed and what is the
20 purpose of this program? Is it for animal welfare
21 and public protection? As I am for animal
22 welfare, I want to address the 6th thing. APHIS

1 must now mandate rescue facilities to become
2 Animal Welfare Act compliant and provide the same
3 humane standards of care for their animals that we
4 must uphold, as they are now meeting the
5 requirements of breeding and selling their animals
6 online and in pet stores around the US. This Act
7 alone will greatly participate -- greatly increase
8 the participation in your program. USDA breeders
9 are responsible for providing less than 350,000
10 regulated pets annually.

11 Did you know in 2017, Americans acquired
12 3.2 million pets from shelters and 4.5 million
13 pets from unregulated rescue facilities? Did you
14 know that because these rescue facilities have no
15 oversight and no care standards, there has been
16 more animal cruelty rates on rescues than backyard
17 breeders? Did you know in 2016, rescues were
18 allowed to import over 574,000 dogs from
19 unregulated foreign sources into the United
20 States? This unchecked importing is bringing
21 foreign diseases -- refer to the links I've
22 provided -- as they have no enforced quarantine

1 procedures, creating an urgency to protect our
2 public and our own animals from zoological
3 diseases.

4 I have noticed that USDA posted a
5 reminder of proper import procedures, and I am
6 hopeful that it will be enforced. Is it your
7 objective to improve or close this program? You
8 answered that question, and I personally would
9 like to continue this, or do we just need to call
10 ourselves rescues to be exempt for everything?
11 Thanks.

12 KEVIN STAMPS: Good morning. My name is
13 Kevin Stamps. I'm a taxpayer and concerned
14 citizen. I'd like to thank everyone for the
15 opportunity to address this panel -- this
16 listening session in this issue.

17 Specifically, I'd like to address the
18 proposal on whether the USDA should recognize
19 inspections by third-party programs when
20 determining the frequency of federal inspections
21 for facilities regulated under the Animal Welfare
22 Act.

1 There are many, many accreditation
2 programs for zoos and sanctuaries with as many
3 differing standards and implementation, and the
4 list continues to grow. With so many of these
5 programs, the quality and professionalism can vary
6 drastically, and while many of them have high
7 standards, none of them should be considered a
8 replacement for inspections conducted by federal
9 Animal Care inspectors and Veterinary Medical
10 Officers who are trained in interpreting the
11 Animal Welfare Act. Accreditation should
12 complement USDA enforcement, not replace it.

13 Any time an industry can police itself,
14 the accrediting organizations naturally have a
15 built-in industry bias, and while some are more
16 successful than others at mitigating that bias,
17 none are as impartial as inspectors from a federal
18 agency.

19 Under the proposal, bias would also be
20 amplified since an accreditation inspection would
21 take on new meaning -- not only determining
22 whether a facility gains accreditation, but also

1 the possibility of impacting whether a facility
2 should retain USDA licensing or face other
3 enforcement actions. Accreditation committee
4 members would be less likely to take punitive
5 actions against a colleague if doing so would
6 contribute to federal fines, warnings, or surprise
7 inspections.

8 Some accrediting organizations oppose
9 proposals for stronger Animal Welfare Act
10 standards that were, in fact, later adopted. This
11 also affects the bias. For example, those related
12 to public handling of tiger cubs. The USDA
13 determined that licensees who do not house
14 neonatal wild cats in a controlled sanitary,
15 temperature-controlled environment and expose them
16 to public contact are considered noncompliant with
17 the veterinary care and handling requirements of
18 the Animal Welfare Act. Can we really expect an
19 accreditation organization that opposed these
20 stronger standards to strictly monitor such
21 interactions and requirements?

22 Accrediting organizations use the appeal

1 of less federal oversight as a marketing tool to
2 generate greater membership. To gain a wider
3 audience, these accrediting organizations may also
4 lower their standards so that more facilities can
5 become accredited. We have already seen
6 accrediting organizations delay implementation of
7 stronger standards to accommodate facilities that
8 refuse or fail to comply. And, this is honestly
9 my largest concern when it comes to this, is that
10 rather than holding everyone accountable to the
11 highest standard, we will end up representing the
12 best practices and standards of the weakest
13 accredited facilities with unsafe and outdated
14 practices.

15 Unlike USDA inspections, third-party
16 accreditation inspections are conducted on
17 scheduled dates after a facility has had months to
18 prepare. This does not capture a realistic
19 picture of day-to-day operations. Accreditation
20 inspections are also based on the individual
21 accrediting organization's standards rather than
22 Animal Welfare Act standards. Further, there may

1 be a three- to five-year gap between accreditation
2 inspections, and this gap is insufficient to
3 determine a facility's ongoing AWA compliance.

4 Despite accreditation, there are
5 countless examples of facilities with troubling
6 records of dangerous incidents, poor animal care,
7 abusive handling, and Animal Welfare Act
8 violations. Third-party inspection, which is
9 essentially self-policing, would lead to the lack
10 of accountability, a lack of transparency, and
11 failure to ensure adherence to the Animal Welfare
12 Act.

13 I'm also concerned -- a little off-book
14 here -- I mean, everyone in this room is a pretty
15 information citizen, especially on this issue. I
16 mean, that's why we're all here. But, your
17 average Joe is not, and if we put more meat behind
18 these third-party inspections and roadside zoos
19 and bad actors out there, who will slap stickers
20 on their doors and logos on their websites saying
21 they're accredited by some organization that to
22 your average citizen may mean a lot more than it

1 really is and paint their own picture as well.

2 Thank you.

3 DELCIANNA WINDERS: Hi. I'm Delcianna
4 Winders. I'm Vice President and Deputy General
5 Counsel for Captive Animal Law Enforcement with
6 the PETA Foundation. I'm also a visiting scholar
7 at the Elisabeth Haub School of Law at Pace
8 University, and over the last several years, my
9 primary area of research has been the Animal
10 Welfare Act. So, I'm here today both in my
11 capacity as an expert and scholar on the Animal
12 Welfare Act and its enforcement. and also on
13 behalf of PETA's more than 6.5 million members and
14 supporters to strongly opposed consideration of
15 third-party accreditation programs when
16 determining Animal Welfare Act inspection
17 frequency.

18 The USDA has specifically asked for
19 comments on the disadvantages of third-party
20 programs and the risks associated with those
21 programs, and these disadvantages and risks cannot
22 be overstated. As Senator Mike Monroney of

1 Oklahoma stated at the 1966 committee hearing that
2 passed the Animal Welfare Act, the reason the
3 statute was necessary in the first place was, "the
4 shocking failure of self-policing by the medical
5 community." Senator Monroney expressly discussed
6 Congress' rejection of suggestion that deference
7 should be given to the Association for the
8 Assessment and Accreditation of Laboratory Animal
9 Care Internation, or AAALAC. Specifically, he
10 underscored that AAALAC, "seems hardly adequate to
11 the problem, especially since the inspectors would
12 be drawn from the same scientific community
13 involved in being inspected, a situation where
14 there would be no serious impartiality."

15 AAALAC is no less partial today than it
16 was 52 years ago, and similar conflicts of
17 interest plague virtually every other program that
18 will be clamoring for recognition and deference if
19 USDA opens this floodgate. Just as AAALAC is
20 comprised of regulated research facilities, the
21 Zoological Association of America is comprised of
22 regulated exhibitors and the American Kennel Club

1 is comprised of regulated breeders. These self-
2 interested parties cannot seriously be expected to
3 provide rigorous oversight. Animal Care, more
4 than anyone else, should know this after its
5 experience allowing third-party inspections under
6 the Horse Protection Act.

7 APHIS has also asked for comments on what
8 other methods it could use to encourage facilities
9 to achieve and sustain compliance with the Animal
10 Welfare Act and where there is the greatest
11 opportunity for APHIS to improve the consistency
12 and effectiveness of its Animal Welfare Act
13 program. There are a number of things that APHIS
14 could do here -- most of them things that the
15 USDA's own Office of Inspector General has urged
16 for decades.

17 In 1992, the OIG found that the USDA was
18 failing to ensure humane care and treatment -- the
19 core stated purpose of the Animal Welfare Act --
20 in large part because licenses were renewed for
21 facilities known to be in violation of the Animal
22 Welfare Act. The OIG urged the USDA to ensure

1 that, "facilities are in compliance with the
2 intent of the Animal Welfare Act prior to the
3 renewal of licenses." But, 26 years later, the
4 agency has still failed to do so. It routinely
5 renews licenses even though it knows the
6 applicants are in violation of the minimum
7 standards. Conditioning license renewal on
8 compliance would go a very long way toward
9 incentivizing compliance and increasing the
10 effectiveness of the Animal Welfare Act much, much
11 further than decreasing inspection frequency ever
12 possibly could.

13 Similarly, for decades the Office of
14 Inspector General has been urging the USDA to make
15 Animal Welfare Act penalties meaningful. Despite
16 the availability of significant statutory
17 penalties, the USDA routinely discounts fines to
18 just pennies on the dollar, even for repeat and
19 egregious offenders. The regulated community
20 views these meager penalties as nothing more than
21 a cost of doing business, as the OIG has found
22 repeatedly. Unsurprisingly, this fails to

1 incentivize compliance.

2 In addition, the vast, vast majority of
3 cases in which the USDA has determined enforcement
4 action is warranted don't result in any penalties.
5 Warnings are by far the most prevalent form of
6 "enforcing the Animal Welfare Act," and were more
7 than 90 percent of all Animal Welfare Act
8 enforcement actions taken in fiscal year 2017.

9 As I've written about in an article that
10 will be published shortly by the *Ohio State Law*
11 *Review*, these warnings frequently fail to motivate
12 compliance, and even when the warnings are
13 disregarded and violations continue, the repeat
14 violators very rarely face meaningful enforcement
15 action.

16 So, if the USDA is serious about
17 increasing compliance, consistency, and
18 effectiveness in the context of the Animal Welfare
19 Act, it will address the longstanding enforcement
20 problems outlined by the Office of Inspector
21 General in audit reports released in 1992, 1995,
22 2005, 2010, and 2014. Rather than spending time

1 on actions like reducing inspection frequency
2 based on industry-beholden accreditation programs
3 that are only likely to aggravate these issues, I
4 urge the USDA to take its charge seriously to
5 ensure the humane care and treatment of animals.
6 The agency can start by carefully reviewing the
7 OIG audits and implementing some of the many
8 specific recommendations to improve Animal Welfare
9 Act enforcement. Thank you.

10 MIKE TUCKER: Okay. Could I have Gregory
11 Woody, not here? Barb York, Ron Miller, Matt
12 Thompson, and Ann Quinn all please come up.

13 RON MILLER: My name is Ron Miller. I'm
14 here because everybody else is here for the same
15 reason -- to try to look at this as a taxpayer and
16 as a funding situation that will benefit all and,
17 you know, I just came in this meeting to see and
18 find out what's happening in our industry and
19 everything.

20 And, I guess the first thing I have to
21 state is whenever they talk about the third-party
22 inspections, you know -- in our state, it's the

1 toughest by the state regulators as opposed to
2 USDA. And so, if they're tougher, take the
3 toughest one that's going to be the most critical
4 one to do the inspection. But, when it refers to
5 PETA and HSUS and the type of things that they try
6 to publicize when they were talking about putting
7 sad-eyed dogs or rescue dogs and things like that
8 on TV to gain support whenever -- those dogs are
9 not representing the industry at all. They're
10 representing somebody's dog that has been dumped,
11 and a lot of times those have been rescue dogs
12 that have been bought, sold for profit, placed in
13 homes, and then they just don't like them and
14 don't care for them, and that's where they come
15 back with what you see.

16 In our facilities in our industry, it
17 does not profit us any to be harmful to our dogs,
18 to be unclean to our dogs, to be unhealthy
19 conditions. And when you start thinking about
20 those dogs in most people's apartments -- it's a
21 2x3 Kennel Cab that they put those animals in and
22 say stay there until I get back from work 10 or 12

1 hours later with no food, no water, no toys, no
2 roommates to be housed like that compared to a
3 kennel facility where they've got two or three
4 roommates, they've got a lot bigger exercise runs,
5 they've got toys, bones, and things like that they
6 can play with. I want to really declare the fact
7 of where are they really being mistreated when
8 they're locked up like that for 10 or 12 hours.
9 But, it's okay because they're pets for people,
10 you know, but those dogs are not being okay
11 because how would you like that same standard for
12 your own life? When they start doing that and
13 thinking that way instead of seeing where they're
14 really coming from, we need to recognize who is
15 being better taken care of through the facilities
16 and through the industry that we represent. And I
17 think that the stringent state regulations -- if
18 they're more stringent than the USDA, give the
19 stringent one the opportunity to do the
20 inspection. It wouldn't matter what state it is.
21 But, I would consider that all are the same as far
22 as USDA from state to state if they're equal --

1 they're supposed to be because it's the United
2 States Department of Agriculture, not State
3 Department of Agriculture. And so, I think that
4 that's what we need to look at when we think of
5 third-party inspections as to who represents the
6 toughest inspection for that state. Okay. Thank
7 you.

8 BARB YORK: Hello. Most of you know who
9 I am. I am Barb York. I am here today commenting
10 on the third party, and I am representing the
11 Missouri Animal Husbandry Association, the
12 Professional Pet Association, as well as Missouri
13 Federation of Animal Owners.

14 There have been a few statements made
15 here that I want to address. Professional
16 breeders who are licensed and regulated by USDA as
17 well as state are not puppy mills. If you want to
18 call a puppy mill a substandard facility, that is
19 different. That is someone who is not doing their
20 job and are not regulated. I believe USDA as well
21 as the state of Missouri are doing an excellent
22 job. I believe the professional breeders in the

1 state are doing an excellent job. I just find a
2 problem with people at HSUS and PETA doing the
3 same thing. They say all the deplorable things
4 that we're doing, the things that should be done,
5 and yet, they do not tell the truth about they are
6 not regulated by USDA.

7 Shelters, rescues, humane societies are
8 not registered and regulated by the USDA. They
9 are in the state of Missouri, which we are very
10 thankful for. If these entities want and are
11 truly concerned about animal welfare, then they,
12 too, should be pushing the issues that all of them
13 should be regulated also.

14 When it comes to the pet stores, I
15 believe that USDA will do something about that
16 because part of the Animal Welfare Act is pet
17 stores have -- anybody that sells to your pet
18 stores have to be regulated, so that will include
19 them.

20 The statement about AKC as an inspection
21 group -- no, they are not. They are a registry.
22 They are not an inspection facility. Our

1 inspectors are USDA and state.

2 The other thing I want to speak about --
3 I can go on and on and on. I've raised dogs for
4 17 years. I no longer do that because I believe
5 what I do today is more important to protecting
6 the rights of everyone to raise animals in humane
7 fashion.

8 With that, on our third-party
9 inspections, I believe that our third party -- for
10 at least the state of Missouri -- should be our
11 state agriculture program, which is ACFA. I
12 believe they are -- they're a government group,
13 obviously state, but they do basically the same
14 thing. Yes, our regulations are stronger, but
15 they do do unannounced visits, and I believe
16 that's the way to do it. I believe one of the
17 things that USDA could look at is instead of
18 seeing those facilities that do it right over and
19 over and over again, and truly work very hard at
20 what they do, those facilities that do not have
21 direct violations and repeat over and over that
22 maybe they're having a little bit of an issue -- I

1 believe those people should be rewarded by being -
2 - by using state inspections and their reports --
3 working closely with Animal Welfare Act or USDA --
4 I think would be the best way to go. They ask for
5 incentives. Incentive to me would be that, okay,
6 you don't see them two, three, four times a year.
7 If the inspections are good, then they rely on the
8 state program to make this is being done
9 correctly. But, I do believe that our breeders in
10 the state of Missouri are professional, and I
11 believe that is because of 1) our breeders are
12 very good, and 2) our state program also does a
13 good job. Thank you.

14 ANN QUINN: My name is Ann Quinn. I'm a
15 proud citizen of the state of Missouri. I raise
16 puppies, and I've raised horses all my life, and
17 I'm going to tell you that we have the best state
18 program of anyplace I have been, and I traveled to
19 nine states last year. I am the Director of
20 Publicity for Missouri Pet Breeders Association,
21 and I find great offense to the attack on our
22 President. The facts that were stated are not

1 true. I was with this gentleman right up through
2 the appeals process, and I can tell you that if a
3 booger in an eye or a toenail that's too long is a
4 response to write up a direct violation that can
5 put someone on the hundred most list, we're in
6 trouble, folks. Tomorrow it may be your kennel.

7 Since in Missouri, we have the strictest
8 laws with the exception of Pennsylvania, in
9 Pennsylvania they're pretty much related to
10 humidity and to reporting yourself if you have a
11 crisis -- that's the only extra ones -- I very
12 much believe that Matt Rold and his crew and the
13 state of Missouri are capable for monitoring all
14 of our kennels with the assistance of the
15 veterinarians that come to our kennel annually and
16 put their hands on every dog. I resent totally
17 the rescues, the PETA people, the Humane Societies
18 that have no regulation -- none. In the state of
19 California, we've put the breeders out of business
20 there so we can import dogs with diseases that we
21 now have never had in the United States. So, was
22 this law good?

1 I know of a situation in Florida right
2 now where the rescues are trying to take a bunch
3 of dogs. They may get them. They'll probably be
4 sick.

5 Folks, my feeling. I'm a taxpayer. I am
6 a licensed USDA, state, and a former teacher of
7 special education children. I don't ever want a
8 puppy to go into the home where there are children
9 that get sick and dies. Where is the most
10 possibility that might happen? From unregulated
11 facilities. We are regulated in Missouri. Puppy
12 mills -- there are no regulated puppy mills in the
13 state of Missouri. Yes, there are lots of
14 unregulated facilities -- some of them are
15 research facilities. I sit at the auctions. You
16 buy bred dogs. What do you do, knock them in the
17 head when they come, or do you sell them? In
18 Missouri, with our state inspectors -- very well
19 trained -- and our annual veterinarians, that's
20 all we need because when USDA comes along, their
21 laws aren't quite as strict, and that is a second
22 inspection.

1 Now, if Matt and his crew or our
2 veterinarian has a problem and they need more
3 muscle, then call the USDA. But, if we have to
4 stretch our monies, that's what we need to do.
5 Take the state of Missouri -- we're good, and we
6 will continue to raise the best puppies in the
7 United States, and our transporters will transport
8 them according to law, according to the USDA
9 regulations, and there won't be any children
10 tonight crying because the puppy their parent
11 picked up for them at the rescue died. Thank you.

12 MATT THOMPSON: My name is Matt Thompson,
13 and I come here today as an individual citizen,
14 not representing any organization. I came here to
15 listen. I had no intention to speak, but some of
16 you brought up some issues, which I thought I
17 would address, because I believe there is an
18 assumption on the side of all the people on all
19 different sides of these issues being discussed
20 that I believe is wrong. So, I think there is
21 something I have to say specifically about one
22 issue that I think most of the people in this room

1 might find quite shocking.

2 It's my belief -- I believe in the rule
3 of law, not in the rule of man, and I believe it's
4 very important that we have a system of laws that
5 apply equally to all and that the laws are clear,
6 and that if you violate those laws, you're
7 punished. A lot of times, unfortunately, today,
8 we see that laws and regulations contradict each
9 other. So, what I want to address today is this
10 issue of primacy. I've heard it discussed several
11 times today, primacy.

12 To me, the Constitution -- the states are
13 sovereign states, and they signed onto the
14 Constitution and became a party of the Union.
15 They became party to the United States of the
16 American and the Constitution of the United States
17 has primacy over other laws, in my opinion. And
18 the Constitution grants the federal power -- the
19 federal government certain powers, and it reserves
20 the rest of those powers to the states. So, no
21 state has the power to declare war, no state has
22 the power to decide about naturalization issues,

1 and no state can make treaties with foreign
2 governments. These are powers expressly granted
3 to the federal government and prohibited to the
4 states. But, all powers not expressly granted to
5 the federal government are reserved to the states,
6 and that includes regulating animal handling.

7 So, to me this question about primacy --
8 it's not up to any agency of the federal
9 government to decide that the states can have
10 primacy on this issue. The states have primacy.
11 If the federal government comes in there to
12 regulate animal handling, it is at the invitation
13 and blessing of the state government. And that's
14 clearly the rule of law, and any Federal Congress
15 in 1966 -- the only power that the Federal
16 Congress of 1966 had was granted to it by the
17 Constitution. Therefore, the Constitution has
18 primacy, and they cannot pass a law that's in
19 violation of the Constitution, and the
20 Constitution grants primacy on this issue to the
21 state. Thank you.

22 MIKE TUCK: Okay. Can I have Daryl

1 Graves. All right. Are there any other people
2 here who would like to speak who haven't
3 registered? All right. Well, that concludes our
4 listening session then. Please drive safely home.
5 I know the weather out there is pretty iffy. We
6 appreciate your interest and comments today.
7 Thank you and have a great day.

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

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CERTIFICATE OF TRANSCRIPTIONIST

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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

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Pamela A. Flutie

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Transcriptionist

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