



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

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Open Letter to Stakeholders:

As a regulatory agency, our mission to protect plant health, animal health, and the welfare of animals is a critical one. And, we are very serious about taking enforcement action against those who jeopardize this mission by violating our regulations. In recent years, APHIS' backlog of open investigations has increased to well over 2,000, and we had about 2,050 open investigations at the end of fiscal year 2011. These investigations include alleged violations involving animal welfare and horse protection issues, agricultural import and export rules, and quarantine rules, as well as unauthorized releases of genetically engineered organisms, violations of standards concerning accredited veterinarians, and unlicensed veterinary biological products.

Such a large backlog in open investigations has greatly impacted our enforcement process—primarily, the number of open investigations does not enable APHIS to swiftly address serious violations. In an attempt to streamline our investigation and enforcement process and ensure we pursue timely and appropriate sanctions for the most egregious violations, we are taking two interdependent actions: reducing the number of open investigations in the backlog and drastically decreasing the time it takes to resolve investigations. This effort is one of the six business process improvements the Secretary announced back in November that APHIS would be undertaking.

APHIS has determined that it has the capacity to process up to 1,000 investigations per year. However, the Agency first must focus on reducing the existing backlog and pursuing only those investigations (approximately 600 to 800) containing the most serious violations. To determine which investigations should be pursued and are of the highest priority, APHIS will be carefully weighing factors such as:

- each investigation's significance with respect to protecting plant and animal health and animal welfare,
- APHIS' ability to effectively pursue the alleged violation(s),
- the impact or seriousness of the alleged violation(s),
- the age of the alleged violation(s), and
- whether the investigation involves a person who has a history of not complying with APHIS regulatory requirements.



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For those investigations we decide not to pursue and believe a warning may prevent future violations, we will issue official warning letters to close them out. These letters will clearly indicate that any further violations may result in more serious consequences such as civil penalties or criminal prosecution. We will also be working internally across all our programs and with the Department of Homeland Security's Customs and Border Protection to employ evaluation criteria—similar to those mentioned previously—so that we focus our resources on the most serious violations where we can achieve the most benefit and impact.

Reducing the backlog of open cases is just the first step—streamlining the enforcement process is equally important for maximizing efficiency and effectiveness. Current data indicate that it can take approximately 600 days, on average, to resolve an investigation and to pursue informal enforcement action, such as an official warning or stipulated monetary penalty. (Cases that are referred to the Department's Office of the General Counsel or Office of the Inspector General can take considerably longer.) Through our streamlining efforts, we expect to reduce the time it takes to resolve these investigations by approximately 40 percent, so that the average investigation is resolved within 365 days.

By taking actions like these, we are focusing on those mission priorities that matter most to our Agency and our stakeholders. We are committed to effective enforcement of our regulations, and we owe it to you, our stakeholders, to do so in the most efficient way. By targeting the most serious violations of our regulations, we are in turn addressing the biggest risk to agricultural health and the welfare of animals.

I look forward to updating you on the results of this important streamlining initiative in the coming months.

Sincerely,



Gregory L. Parham
Administrator