Animal Welfare Act Enforcement

Last Modified:

Animal Care enforces the AWA primarily through the use of inspections. Our inspectors conduct unannounced visits to licensed or registered facilities, where they review all areas of care and treatment covered under the law. If we find deficiencies in a facility's compliance with the law, we typically give the facility a date by which to correct those items.

APHIS' Investigative and Enforcement Services personnel investigate alleged violations when licensees or registrants have not taken corrective measures to come into compliance with the AWA. If an investigation leads to AWA enforcement action, APHIS will review and consider all probative, reliable, and properly authenticated evidence that is relevant and material to the allegations.

Investigations that reveal AWA violations are acted on in a variety of ways, depending on their severity. Many infractions can be settled with an official notice of warning or a stipulation offer. Official letters of warning notify a licensee or registrant that further infractions can result in more stringent enforcement action. Stipulations allow alleged violators to pay a penalty in lieu of formal administrative proceedings.

In cases of serious or chronic violations, consequences become more substantial. Cases warranting formal prosecution undergo Department-level review for legal sufficiency prior to issuance of a formal administrative complaint. Formal cases may be resolved by license suspensions, revocations, cease-and-desist orders, civil

penalties, or combinations of these penalties through administrative procedures.

AWA and HPA Enforcement Actions

The High-Priority Designation

When a case is designated as "high-priority," AC, IES, and USDA's Office of the General Counsel put special emphasis on the investigation and enforcement of a case to expedite its resolution. This measure has proven successful in shortening the time frames of significant cases and providing quicker relief for animals protected under the AWA. AC and IES continue to use the high-priority designation in the pursuit of certain cases.

Cases are deemed high-priority based on the following criteria:

- Severity of animal suffering (death or severe injury),
- Past compliance history of facility,
- Potential public or animal safety or health concerns,
- Abusive or potentially violent nature of licensee or registrant,
- Type of facility and species of animal involved, and;
- Severity of the issue resulting in extensive public interest.

Types of AWA or HPA Enforcement Actions

The *Official Warning Letter* (7060) is a notification to an individual or company regarding an alleged AWA violation. The letter warns that any further infractions may result in more serious consequences such as a civil penalty or criminal prosecution.

A ***Stipulation*** is an agreement in which the Agency gives notice of an apparent violation and agrees to accept a specified penalty to settle the matter. The penalty must be paid within a designated time frame and the violator waives their right to a hearing.

An ***Office of General Counsel (OGC) Complaint*** gives notice to an Animal Care licensee or registrant of formal allegations regarding possible violations of the AWA or the HPA. The Complaint does not mean the respondent is guilty of these violations, but serves as a notice that they must respond and either agree to the

allegations in the Complaint, or seek a hearing date before a USDA Administrative Law Judge (ALJ). A copy of a Complaint is available on the USDA ALJ Web site.

A ***Decision and Order*** is issued by the ALJ based on the evidence presented by APHIS and the respondent. The respondent has the right to appeal this decision. A copy of a Decision and Order is available on the USDA ALJ web site.

For OGC or USDA ALJ documents, go to: http://www.dm.usda.gov/oaljdecisions/ and select the *Current ALJ Decisions* pull down menu, and then select the appropriate enforcement action. The USDA ALJ Web site also includes an *Agriculture Decisions Search Engine* to assist search requests when the type of enforcement action sought is unknown.

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