



Animal and Plant
Health Inspection
Service

September 4, 2014

Office of the
Administrator

Dear Stakeholders:

1400 Independence
Avenue SW
Washington, DC
20250

I don't have to tell you that APHIS' mission as our nation's premier animal and plant health Agency brings us into contact with an incredible number of customers and stakeholders each and every day. Most of these interactions are positive ones, but some involve potential violations of our regulations that protect animal and plant health and animal welfare. When we are concerned about potential violations, APHIS' Investigative and Enforcement Services (IES) conducts investigations and takes enforcement action when warranted. During the past three years, IES worked hard so that APHIS is able to take action on alleged violations nearly 50 percent faster than in past years, promoting the deterrent impact of enforcement and animal and plant health.

IES has an enormous job to do in support of APHIS' mission. In 2011, though, the number of open APHIS regulatory violation cases was roughly 2,100 – more than our system could efficiently handle. The results were not positive for us or U.S. agriculture: we could not act quickly on new cases as they came in; we were taking enforcement actions in some cases years after the actual violations occurred; and we couldn't properly prioritize our time and resources to focus on addressing the most serious violations of our regulations as quickly as possible.

We recognized the impacts of such a large inventory of open cases and in 2011, decided to take definitive action to not only reduce the case inventory, but decrease the overall amount of time that it took to process cases as well. IES, in conjunction with APHIS programs, participated in one of APHIS' first Business Process Improvement (BPI) projects to look at each step in the enforcement process to make sure each step added value, made sense, and had deadlines that contributed to completing the entire process, from start to finish, in reasonable time.

The work we have done over the past three years is paying off. Since 2011, APHIS has reduced:

- The number of open cases by an impressive 80 percent (from roughly 2,100 to approximately 410 open cases);
- The time it takes to investigate and take action on an alleged violation by 48 percent (from an average of 632 days to 328 days); and
- Instances where we are unable to pursue action by 43 percent (from 30 percent to 17 percent of alleged violators).

Let me be clear about one thing: we didn't reduce the number of open investigations by randomly deciding to close cases or electing not to pursue new

cases. Rather, IES implemented a number of process changes based on its BPI findings and established key performance measures that it continuously monitors, as well as collaborated with program leaders and established criteria to ensure we focus resources on cases we know pose a real and legitimate risk to animal and plant health, animal welfare, and horse protection. IES also worked with program leaders to establish alternative solutions for addressing low-risk compliance issues. This places IES in a strong position to continue processing the most serious cases quickly, tackle additional cases, and help its program customers rapidly address issues of greatest concern.

You should also know that IES continues to refer the most serious cases to USDA's Office of General Counsel (OGC) for administrative enforcement action since OGC can seek higher penalties and more serious sanctions against alleged violators. Following the BPI, we are able to better identify these kinds of cases and we are referring them more quickly with better evidence. Last year, APHIS increased its referral of cases to OGC by 155 percent when compared to 2011. To help OGC manage this larger workload, we are also assisting them with some aspects of litigation and are increasing our use of pre-litigation monetary settlements to ensure we only refer those cases we believe require more significant enforcement penalties.

Last year's enforcement results speak volumes about the ongoing improvements we have made to investigate serious issues quickly and take swift action. We issued nearly 1,800 official warnings, collected more than \$1.8 million in stipulated penalties, and obtained administrative orders assessing close to \$1 million more in civil penalties. We take violations of our regulations seriously, we conduct thorough and complete investigations, and we aren't giving violators a free pass. I believe that enforcement delayed is enforcement denied, and I am very pleased that we are meeting our long term goal of completing an average investigation and resulting enforcement action within 365 days. Taking action more quickly against violators serves as a better deterrent to not only a specific violator, but other potential violators as well.

By improving our processes and decision-making, continually analyzing data, and focusing on the results of our investigation and enforcement work for U.S. agriculture, IES is now providing faster and better service to APHIS programs and our many partners and stakeholders. This is a key example of the benefits of process improvement and a main reason why I've made process improvement that focuses on results for U.S. agriculture part of my vision for APHIS.

Sincerely,



Kevin Shea
APHIS Administrator