

**Animal and Plant Health Inspection Service
Animal Welfare Act Farm Bill Provision Listening Session
Final Transcript
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Speakers

Kevin Shea, APHIS Administrator

Chester Gipson, Deputy Administrator for Animal Care

Hallie Zimmers, Adviser for State and Stakeholder Relations

Moderator

Ladies and gentlemen, just a quick announcement to let you know that we will be starting the conference here shortly. We do appreciate your patience.

Ladies and gentlemen, thank you for standing by. Welcome to the Animal Welfare Act Provision listening session. At this time, all participants are in a listen-only mode. Later there will be an opportunity to provide comments. Instructions will be given at that time. As a reminder, this conference call is being recorded.

I would now like to turn the conference call over to APHIS Administrator Kevin Shea. Kevin, please go ahead.

Mr. Shea

Thanks very much. Hi, everyone, and thanks for accepting our invitation to take part in this listening session today. Again, I am Kevin Shea, the Administrator of USDA's Animal and Plant Health Inspection Service, and I'm happy—as I know you all probably are—that we do have a Farm Bill from Congress that we can move forward with. Because we know that many of you live outside of the Washington, D.C. area, we thought that this call-in format was probably the best way to get input from you with as little inconvenience as possible.

The Farm Bill shapes U.S. agricultural policy for most of the next decade and beyond. Its APHIS-related provisions aren't generally the ones that grab the headlines, but they do strengthen considerably our ability to fulfill our core mission of protecting animal and plant health in the United States, and the 2014 Farm Bill gives us new authority, allowing us to better focus our animal welfare authorities on those animals most at risk of being mistreated or harmed.

Agencies across USDA are holding Farm Bill listening sessions, and this is one of the two sessions that we in APHIS are hosting on the topic today. This one's focused on animal welfare, and the other one later this afternoon will be on animal and plant health. We're hosting these sessions because, now that the Farm Bill is law, we can start the process of beginning to implement it. I can't emphasize enough how important your input is to us in determining how we proceed.

I've asked my Associate Administrator, Mike Gregoire, to work with me to coordinate the efforts within APHIS to implement the Farm Bill provisions, and Mike is on the call today, as well as our other Associate Administrator, Dr. Jerry Dick. In just a moment I'm going to ask Dr. Chester Gibson, Deputy Administrator for our Animal Care Program, to provide a brief overview of the new de minimis authority the Farm Bill gives APHIS. When Dr. Gibson is finished, I'll open the call for your comments, and we'll be in a listening mode for the remainder of the call.

I should point out that this isn't your only opportunity to give us your thoughts and feedback. We encourage you to share your ideas throughout the process implementing the Farm Bill, so this is just a starting point. I assume that at some point we may even publish proposed rules around this, but there will be many, many opportunities for you to weigh in. And today we're here just to listen; we don't have pre-conceived notions about how we're going to implement things yet, and that's why today we just want to listen, and hear what you might have to say.

So, as we go forward and the comment period opens, I would ask you to try to hold your comments to about three minutes so we can hear from as many folks as possible. So with that, I will now turn it over to Dr. Chester Gipson. Chester?

Dr. Gipson

Thanks, Kevin. Good afternoon. I want to join Kevin in thanking all of you who are on the call today. As Kevin mentioned, the 2014 Farm Bill gives my program, Animal Care, new authority in enforcing the Animal Welfare Act. Today I'd like to get your input on a specific area of this new authority.

Congress recognized the need for us at Animal Care to focus our limited resources on entities that pose the greatest risk to animal welfare and public safety. So, the 2014 Farm Bill gives APHIS broad de minimis

authority. Essentially, this allows us to exempt certain low-risk dealers and exhibitors from the Animal Welfare Act license requirements. The Farm Bill does not specify exactly who will be exempted, but the Farm Bill managers did indicate that we shouldn't exempt an entity just because it's a non-profit, nor should we exempt facilities with dangerous animals including big cats, non-human primates, and elephants, to name a few.

We look forward to hearing suggestions from you all today, as we begin looking at how we will implement this new authority. I would also like to mention that the Farm Bill addresses animal fighting. However, that is not our focus today, as USDA's Office of the Inspector General is charged with enforcing those provisions. And again, we're looking forward to receiving comment on this particular rule.

Again, Hallie? I turn it back over to you.

Ms. Zimmers

Hi, this is Hallie Zimmers, APHIS' Stakeholder Liaison. Before we begin taking comments, I want to take just a moment to provide a few instructions about how the comment process is going to work. Our goal is to hear from as many stakeholders as possible before the call concludes at 2 p.m. EDT.

With that being the case, we ask that you please keep your comments under three minutes, as Kevin had stated. When you reach 2 minutes and 40 seconds, I will alert you that you've got about 20 seconds remaining, and then at 3 minutes I'll ask you to conclude your remarks. If you aren't able to finish your remarks in the allotted time, you can e-mail me your remaining comments, and I will share those with our agency leadership. My e-mail address is hallie.zimmers@aphis.usda.gov.

Now, in the past we have occasionally had a commenter that continued beyond the allotted time. I don't expect that to be an issue today, but if it does, and it's clear that we need to move on, I will ask the operator to move to the next commenter waiting in the queue. Again, that's simply because we want to hear from as many stakeholders as possible in the available time. If the call does conclude before we get to everybody in the comment queue, anyone who has yet to speak can e-mail me their comments, again at hallie.zimmers@aphis.usda.gov, and I will share those with our agency leadership.

Lastly, I want to make everyone aware that we'll be transcribing today's call, so we have a record of everyone's comments. The operator will now provide instructions on how to enter the queue to make a comment. Christa?

Moderator Thank you.

Alright, and we'll go with our first question. Caller, please state your name and organization.

Mr. Bernovie Hi, this is Andrew Bernovie from the American Society for the Prevention of Cruelty to Animals, and as front line responders for animals in times of disaster, the ASPCA was particularly dismayed with the stay of implementation that was issued on the contingency rule earlier, a few months back. Do you see the stay being lifted before or after any possible rulemaking proceeding on the de minimis standards in the Farm Bill?

Dr. Gipson This is Chester Gipson here with APHIS Animal Care. At the current time, as the Secretary indicated, he was going to re-evaluate the stay and the impact that the contingency rule would have on those entities that we did expect to cover.

Ms. Zimmers Thank you. Christa, next comment?

Moderator Alright, and our next question, coming from Tracie Letterman. Tracie, can you state your organization, please?

Ms. Letterman The Humane Society of the United States. Thank you for the opportunity to provide comments today. We understand that USDA has limited resources, and a large number of licensees and registrants to inspect. And we agree that the agency should concentrate their resources on the entities that pose the greatest risk to animal welfare and public safety.

The purposes of the AWA, however, should not be diminished during the implementation of this Farm Bill amendment. All animals bred, fowled, and exhibited should be treated humanely. So we encourage the agency to define de minimis very narrowly, in accordance with the common meaning of this term, and within the scope of the report language. Specifically, this term should be defined to only exclude those facilities that are so small as to merit disregard.

In addition, an exhibitor's business should not be defined as de minimis merely because it operates as a non-profit, or exhibits a small number of dangerous animals; the exhibition of dangerous animals including, but not limited to, big cats, bears, wolves, primates, or elephants, should not fall within the de minimis definition, and it was good to hear you reference that earlier.

Furthermore, given the agency's recent retail pet store rulemaking, which includes a specific exclusion for small breeders, it would be an inefficient use of resources to modify the current hobby breeder exemption for dogs, cats, and small exotic or wild mammals during the de minimis rulemaking process, and we encourage USDA to not modify this rule. As for the request in the report language to clarify specific provisions in the retail rule, USDA has already provided numerous fact sheets and webinars to explain the rule, and we believe that these resources are adequate, and no further action by the agency is needed.

Finally, we were pleased to see in the report language to the bill that Congress recognizes the importance of lifting the stay on the contingency rule, and issuing the rule to regulate bird dealers and exhibitors, and we hope that both of these regulatory actions are taken quickly. Thank you.

Moderator

Alright, and we don't have anyone else in the queue at this time.

Ms. Zimmers

We'll give folks one last opportunity to get into the queue for a comment.

Moderator

Alright, we just had someone show up, and this is coming from Sheila. Sheila, please state your entire name and your organization.

Ms. Goffe

Yes, good afternoon. My name is Sheila Goffe, and I'm with the American Kennel Club. I'd like some more information on the timing and procedure that you anticipate, as you move forward with a possible rule.

Mr. Shea

This is Kevin Shea. It's really too soon for us to say. Of course, the Farm Bill has literally hundreds of provisions, and in USDA we're working through all of them, and trying to get our hands around all of those provisions to see which ones may go first, and which ones may take how much time. So it's really a little early for us to be able to do that.

Moderator Alright. Ladies and gentlemen, there are no more comments in the queue.

Mr. Shea Okay. Well, I thank everyone for calling in today, and I want to say again that this was just one opportunity. There will be very, very many more over the course of time for you to comment on things, and please at any time feel free to write to us, e-mail us, call us if you would like to say anything more about these provisions. And with that, I thank everyone for your interest in the Farm Bill, these provisions, and in animal welfare in general. Thank you.

Moderator Thank you, and that will conclude our call for the day.