

Congress of the United States

Washington, DC 20515

March 11, 2022

The Honorable Thomas J. Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

The Honorable Kevin Shea
Administrator
Animal and Plant Health Inspection Service
4700 River Road
Riverdale, MD 20737

Dear Secretary Vilsack and Administrator Shea,

We write to express our concerns regarding the repeated failure of the U.S. Department of Agriculture (USDA) to relocate animals after the revocation of Animal Welfare Act (AWA) licenses. Currently, a loophole in AWA regulations allows the USDA to leave animals behind at facilities after the agency revokes AWA licenses, even in cases in which animals are being kept in inhumane or illegal conditions. It is crucial that if the USDA deems a facility unfit, it will also ensure that animals are not left in the hands of owners who have been found to keep them in unsafe conditions.

Congress passed the AWA “to ensure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment.” The USDA’s current decision to neither remove nor relocate animals from facilities subject to AWA license revocation contradicts the very purpose of the law. It is within the USDA’s statutory authority to provide for animal relocation as part of license revocation and termination proceedings; however, current regulations give no indications as to what should happen to these animals. Additionally, the agency’s AWA enforcement rates have drastically declined in recent years, as have its animal relocation rates. According to the USDA, it “either confiscated or facilitated the voluntary surrender of over 11,000 animals” between 2010 and 2015. However, alarmingly, no evidence exists demonstrating that the USDA confiscated any animals between 2017 and 2020.

Even the USDA’s internal guidance has been modified in recent years to remove information regarding animal relocation procedures. The USDA’s “Animal Welfare Inspection Guide,” which provides guidance for USDA Animal and Plant Health Inspection Service (APHIS) Animal Care inspectors on how to implement the AWA and its regulations, had an entire chapter on animal relocation as of 2013. In subsequent years, critical pieces of the chapter were eliminated, and by 2020, the Guide no longer had a chapter dedicated to animal relocation.

The USDA has refused to provide for animal relocation in AWA license enforcement actions, even in situations in which animals are dying. For example, at a roadside zoo in Iowa, hundreds of animals were kept in such inhumane conditions that the USDA fined the facility and revoked its AWA license in 2017. However, throughout the proceedings, the USDA did not seek animal relocation as a remedy, and instead left the animals in illegal conditions at the facility without any continued oversight. Even when the zoo’s AWA license was ultimately revoked, the USDA still did not provide for animal relocation, leaving the animals to suffer and die until other parties intervened to help them.

As the Secretary of the USDA and as the Administrator of USDA APHIS, you are responsible for ensuring that animals under the care of the AWA are protected from undue suffering and hardship. Given the above concerns, we request the following information by March 31st, 2022:

1. The number of animals the USDA has confiscated from AWA license holders annually, from 2016-2021;
2. A breakdown of the cost to the USDA per animal confiscation;
3. The process for confiscating animals from AWA license holders;
4. The process for determining where USDA-confiscated animals will be relocated and the locations at which USDA-confiscated animals have been placed.

We urge you to fully enforce the AWA by remedying this loophole and addressing the suffering of animals left at facilities the USDA itself has deemed incapable of providing minimum standards of care. Thank you for your attention to this matter.

Sincerely,



Raja Krishnamoorthi
Member of Congress

Alma S. Adams, Ph.D
Member of Congress

Suzan K. DelBene
Member of Congress

Joe Neguse
Member of Congress

Earl Blumenauer
Member of Congress

Sara Jacobs
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