

July 24, 2019

The Honorable Phyllis Fong
Inspector General
U. S. Department of Agriculture
Room 117 – W Jamie Whitten Bldg
1400 Independence Avenue SW
Washington, DC 20250

Re: Performance Audit of Animal Care Program

Dear Inspector General Fong,

Since it is our understanding that OIG is currently auditing or planning to conduct an audit of Animal Care with respect to its oversight of dog breeders, we wish to bring to your attention the failure of Animal Care to effectively enforce the Animal Welfare Act (AWA) as regards this industry.

Specifically, **Animal Care is concealing violations of the AWA to prevent oversight of dog breeding operations by state and local lawmakers, government officials, and the public.**

The dog breeding industry has long been plagued by substandard breeders who often neglect, and in some instances, abuse their animals. As a result of Animal Care's unwillingness to address abuses in the industry, state legislators and local government officials have been enacting their own laws and regulations to address animal welfare concerns and to protect consumers from purchasing sick dogs originating from USDA licensed facilities.

Seven states and several municipalities, including New York City, have restricted pet stores to only sourcing dogs from breeders with a minimal number of citations documented on their USDA inspection reports.

More than 280 municipalities have outright prohibited the sale of commercially bred dogs in pet stores; two states, California and Maryland, have enacted similar state-wide bans on the sale of dogs

in pet stores and similar legislation has been introduced in New York, Pennsylvania, Maine, Massachusetts, and Connecticut.

Instead of responding to the legitimate concerns of state and local officials by initiating effective enforcement of the AWA, and to solve this problem at its source, Animal Care has chosen to conceal evidence of non-compliance with the AWA by federally licensed dog breeders (see enclosure #1).

Animal Care implemented policies to avoid the documentation of non-compliant items on inspection reports so that states and municipalities could not obtain accurate data as to the number of citations breeders were receiving from USDA and thus nullifying state and local efforts to restrict substandard breeders from marketing dogs in their jurisdictions.

As more and more municipalities and states chose to ban the sale of dogs from commercial breeders entirely, Animal Care accelerated its efforts to cover-up for the worst actors within the industry.

Animal Care rationalized that if it could show that more than 90% of dog breeders were in compliance with the AWA, it would lessen the negative publicity of the industry and would help to block further legislative attempts to ban the sale of dogs in pet stores.

Rather than focusing on enforcing the AWA to legitimately reach their compliance goal, Animal Care chose to cover-up the wrong –doings of the worst actors in the industry in an effort to present a false narrative of commercial dog breeding in the United States. This was done for the sole purpose of protecting the economic interest of substandard dog breeders.

Most disturbing, Animal Care **has engaged and continues to engage in unscrupulous and in some cases potentially illegal activity** in order to protect the industry's worst actors while abdicating consumer protection and ignoring the suffering of animals housed in substandard USDA licensed commercial dog breeding establishments (see enclosure #2 & #3).

Here are some of the most troubling of Animal Care's malfeasance.

1. Aiding and abetting substandard dog breeders in circumventing state and municipal laws.
2. Instructing Animal Care inspectors to falsify federal documents (inspection reports) and to conceal material facts both of which are violations of 18. U.S. C. § 1001 (see enclosure #4)
3. Violating the Freedom of Information Act in an effort to hide violations of the AWA.

In addition, Animal Care has instituted numerous changes to its enforcement policies that have significantly reduced the criteria for citing non-compliant items on its inspection reports. **Animal Care by its own admission has decreased the number of citations it has issued by 60% over the past two years.** One of the ways that that helped Animal Care accomplish this decrease in citations was by conducting a review of inspection reports to determine what were the most frequently cited non-compliant items being documented by Animal Care inspectors. Animal Care then re-wrote its inspection guide to ensure that these items would not be cited going forward. This was done in an

effort to prevent citations from being issued to USDA licensed dog breeders. **Most disturbing, many of the items that Animal Care instructed its personnel to ignore are veterinary care issues.**

Accordingly, we are requesting that your audit of Animal Care include a review of these recent rule changes and policy changes in the hopes of rectifying Animal Care's failure to enforce the AWA.

It should be noted that Animal Care has taken measures to prevent OIG from full knowledge of its practices. **VMO's and ACI inspectors have been instructed by supervisors not to utilize the "teachable moments" rule and other recently adopted rules and policies while OIG is accompanying them on inspections.** Rather, inspectors have been coached to "write-up things as you see them" when in the presence of OIG. One inspector informed the Alliance that the instructions by the supervisor included that if interviewed by OIG; **"you are not to mention that you have been told in the past to decrease write-ups."**

We have enclosed documents that explain these concerns in more detail. We are more than willing to provide any assistance and additional information that we can offer to you to address this issue.

Sincerely,

Bob Baker
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Enclosures