

June 12, 2019

The Honorable Marcia Fudge
Chairwoman, Nutrition, Oversight, and Department Operations
1301 Longworth House Office Building
Washington, DC 20515

Re: Oversight Hearings

Dear Representative Fudge,

We wish to bring to your attention the failure of the USDA to effectively enforce the Animal Welfare Act (AWA) as regards the commercial dog breeding industry. Particularly troubling, are the Agency's efforts **to conceal violations of the AWA from 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 USDA'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 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, USDA chose to conceal evidence of non-compliance with the AWA by federally licensed dog breeders (see enclosure #1).

USDA 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 their 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, USDA accelerated its efforts to cover-up for the worst actors within the industry. USDA 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, USDA has chosen 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, **USDA 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).

Here are some of the most troubling of USDA's malfeasance.

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

In addition, USDA has instituted numerous changes to its enforcement policies that have significantly reduced the criteria for citing non-compliant items on its inspection reports. **USDA by its own admission has decreased the number of citations it has issued by 60% over the past two years.** USDA accomplished this by conducting a review of inspection reports to determine what were the most frequently cited non-compliant items being documented by Animal Care inspectors. USDA then re-wrote its inspection guide to ensure that these items would not be cited going forward, in an effort to prevent citations being issued to USDA licensed dog breeders. **Most disturbing, many of the items that USDA instructed its personnel to ignore are veterinary care issues.**

Accordingly, we are requesting that your Committee **conduct oversight hearings** in an effort to rectify USDA's failure to enforce the AWA.

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,

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On behalf of:

PawPAC (California)
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Jo-Anne Basile, Executive Director

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Hawaiian Humane Society
Steph Kenrick, Public Policy Advocate

Illinois Animal Welfare Federation
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League of Humane Voters of New Jersey
Animal Protection League of New Jersey
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Voters for Animal Rights (New York)
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