



USDA:

Who Does It Really Protect? Not The Dogs!

In the Spring Issue of IG Times, The Livestock Report examined USDA's on-site inspection process for licensed commercial kennels, which employees do what, what constitutes an AWA violation, and what is supposed to happen after a violation is reported. We looked at where the gap begins between AWA's animal protection mandate and USDA's actual practice--where a human eyeball looks at a real live dog in a cage and puts pen to paper to describe what it has seen. We looked at where that paper goes, who evaluates it and what remedial or disciplinary action is taken, or more accurately, what action is typically *not* taken. Remember that kennels may contest reported violations. The animals are powerless to contest violations the inspectors *fail* to report.

Here we will see what happens when the ACI doesn't do his job, how the pet industry uses USDA's ineffectual performance to its advantage, and how USDA benefits from the negligence and inertia of its own staff when it comes time to submit its annual report card to Congress.

The Weakest Link

The AWA can only be effective in protecting animals if USDA hires inspectors who are conscientious in enforcing it. In my observations, some inspectors just don't care. After reviewing several thousand inspection reports, I'm appalled at the disturbing pattern of neglect I have seen on the part of many

ACIs. How can we possibly expect to protect the breeding dogs or clean up the puppy mills as long as ACIs feel free to ignore serious violations of the law?

Two Bottom Of The Barrel Mills

Living in rural Missouri, I am surrounded by commercial dog breeders and have visited many puppy mill operations over the years. Two of the worst, cruelest facilities I have ever seen are actually located quite near me. Both have consistently been chronic AWA offenders with multiple serious violations going back many years. One has been the target of a St. Louis TV station investigation and the other was the subject of a years-in-the-making USDA administrative action, a consent decision that eventually "punished" the kennel owner by allowing him to auction off several hundred of his over 700 dogs.

The Hog/Dog Inspector

When the long time ACI for my area of the state was transferred up

north a few years ago, his vacancy was filled by a USDA inspector who was moved down to Missouri from his previous post in Nebraska. Nebraska has a lot of dog breeders but the new ACI's resume was notably lacking in puppy mill experience. He achieved his USDA tenure being an inspector in Nebraska's hog factories!

Curiously, simultaneous with the arrival of the new hog/dog man, the previously mentioned two worst mills turned into model dog breeding facilities overnight. On paper. Both these mills have undergone several inspections by the new inspector since he was made their ACI and neither has had a single violation since he's been here.

How could two of the worst mills in the state have suddenly cleaned up their acts and begun taking good care of their dogs overnight? Not just overnight, but over the *same* night! Could it be the new hog/dog man is such a super motivator that he accomplishes miracles?

I had the chance to observe this inspector at work a while back, to listen and watch while he walked through a kennel inspection with the owner. He knew the rules and regulations because he cited them verbatim in pointing out multiple violations, but he never wrote anything down on the inspection report on his clipboard until the inspection was completed. Then, all he wrote was "No Non-Compliant Items" before signing his name. Inspection completed.

Recapping The Acronyms

AWA (Animal Welfare Act)
 ACI (Animal Care Inspector)-- the person who actually inspects most of the commercial kennels.
 NCI (Non-Compliant Item)--the label used to describe a violation of the USDA Rules and Regulations.

The same thing is going on in Indiana, Illinois, and Kentucky. One inspector has an amazing 90% "No NCI's" history on the inspections he conducts. What makes this more suspect and disturbing is that many of the kennels he inspects are known "bunchers", those facilities that gather random source animals to sell to research.

Does USDA Care?

Why would an agency charged with protecting our breeding dogs permit this kind of employee negligence, plus allow years of egregious *reported* violations to accumulate, just to eventually deliver an impotent hand-slap to a tiny minority of only the most serious offenders? If we can look at ACI reports and see obvious patterns, why can't USDA's management? Is it a deliberate policy to look the other way?

Grading The Industry

Sadly, inspection reports as inaccurate and corrupt as these are what

provides the statistics which are the only basis there is for grading our dog industry. The industry itself uses USDA's figures for their own propaganda purposes, and USDA uses them to make up their own report card to Congress each year.

In the spring of 2003, a commercial pet industry publication reported that commercial dog breeders averaged a 52% compliance rate on their USDA inspections. Brokers rated even higher at 59% compliance. The report then took the giant leap of claiming an overall 95-96% "satisfactory inspection record" among breeders and brokers.

By what new kind of math could 52% and 59% average out to be 95-96%? Answer: "Satisfactory" was narrowly defined only to mean that USDA was not in the process of taking the offending kennels to court!

Even by this self-serving interpretation of USDA's numbers, 4% of licensed breeders/brokers are still admittedly "unsatisfactory". Considering there are over 4000 such breeders/brokers, this still equates to 160 unsatisfactory facilities with thousands of dogs

living under unimaginable conditions in them.

Annual Report To Congress

The Animal Welfare Act requires USDA to submit an annual report to Congress disclosing the compliance rate of its licensed facilities. In essence, USDA fills out its own report card and Congress signs it.

In Fiscal Year 2002, the annual report revealed that out of 9,620 licensed facilities, a total of 14,461 violations were reported. The report encompasses all classes of licensees:

- Class A - 3,750 (breeders)
- Class B - 1,370 (brokers)
- Class C - 2,700 (exhibitors/zoo/circus)
- Class R - 1,250 (research facilities)
- Class T - 550 (transporters)

During these inspections, 324,090 animals were present in 9,620 licensed facilities. Only 19 of the inspections resulted in sanctions such as fines, suspensions, and/or revocations.

At left is a chart of the ten most common violations found in commercial dog kennels.

COMMERCIAL KENNEL VIOLATIONS "TOP 10 LIST"				
CFR Section Code	Description of Violation	Violation Count	Animals Affected	% Dealer involved violations
2.4	Attending Veterinarian & Adequate Veterinary Care	1,516	45,758	19.38
3.1	Housing Facilities, General	1,315	27,322	25.68
3.11	Cleaning, Sanitization, Housekeeping & Pest Control	1,029	34,377	20.09
3.125	Facilities, General	986	13,542	19.25
3.4	Outdoor Housing Facilities	832	11,300	16.25
3.131	Sanitation	677	14,200	13.22
2.75	Records	632	13,342	9.73
3.31	Sanitation	115	24,880	2.4
3.26	Indoor Facilities	49	23,356	1.2
Totals	Top 10 Violations Involving	7,151	208,077	

Who Writes USDA's Paycheck?

Congress does, which is why the AWA requires an annual "accounting" to Congress. In most of our jobs, keeping that paycheck coming in regularly depends on our *doing* the job, whatever the boss expects of us. His standards may be high or they may be low but he does have some and likely wants more than just our say-so that we are actually showing up for work and meeting those standards. If children had the ability to fill out their own report cards, how many of them would study or even show up for school at all? Both the good teacher and the effective employer know if they reward incompetence, they have only bigger and better incompetence to look forward to.

When do you think was the last time a congressional oversight committee visited a puppy mill? I don't mean one of those spit and polish, high-tech broker facilities the pet industry is so

always touting, but an honest to goodness million-miles-from-anywhere-out-of-sight-up-in-the-woods puppy mill. Where pet store puppies really come from, and where the parents of those puppies have to live out their lives.

Maybe its time the guys who sign the inspectors' paychecks found out just how accurate USDA's report card really is. I wonder if they would be happy with the job they're paying good money to get done. Good tax money, that is. Our tax money. 🐾

Author's Note: I would like to acknowl-

edge the huge contribution of Marge Haracz to this report. Marge has spent countless hours crunching numbers and pouring over USDA reports to compile the national licensed kennel statistics. She has been my life-line at NoPuppyMills for the past year, also helping with the hundreds of puppy reports we prepare for petshop customers. She has served as a moderator on my forums for almost two years. Marge is very active in the puppy mill fight in her home state of Illinois and runs her own informative website at <http://www.npm-IL.info>.

Internet References

The Animal Welfare Act itself does not regulate commercial breeders. It delegates that job to the USDA. The Code of Federal Regulations (CFR) is available at <http://www.aphis.usda.gov/ac/publications.html> (From this page, follow the four-part links found at the top left marked "Animal Care Regulations").

Another web document found at <http://www.aphis.usda.gov/ac/aphisrule-making.html> does a good job of explaining the rule-making process.



United States Department of Agriculture
Animal and Plant Health Inspection Service

INSPECTION REPORT

*Actual inspection report
(unedited)*

**KATHLEEN MONKS
MONKS MONAGERI**

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3.6 (2)(xi)

3.6 (4)

PRIMARY ENCLOSURES.

(xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and

There are 5 Italian dogs that are approximately 20 inches in length from nose to base of tail that have a house that is approx 24 inches by 24 inches, this house doesnot allow these dogs the required space needed to sit stand and turn about freely in the house.

**These dogs need a larger house to allow the required space needed.
To be corrected by october 26 2003 or 30 days.**

(4) Prohibited means of primary enclosure. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

There is 1 Stbernard female tied to a dog house the dog is an escape artist and is tied while raising pups the pup is 8 weeks and will be leaving soon, A secure pen needs to be constructed for this dog to raise her pups in To be corrected before next litter as she has a secure pen with other dogs or march 15 2004.

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