



Durbin demands Trump administration restore animal cruelty, puppy mill records on USDA website

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SPRINGFIELD – U.S. Senator Dick Durbin (D-IL) today joined a group of 18 Democratic Senators in calling on the Trump Administration to immediately restore animal cruelty information recently purged from the United States Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) website. APHIS makes inspection reports for all regulated entities and annual reports submitted by research laboratories available to the public in order to create greater transparency, accountability and enforcement of animal cruelty laws.

“The public has a right to know if regulated entities have subjected animals in their care to abuse or otherwise failed to meet basic welfare standards. Public access to information can guide consumer decision making and plays an important role in deterring regulated entities from violating the law,” wrote the Senators in a letter to USDA Acting Deputy Secretary Michael Young.

Seven states prohibit the purchase of animals from commercial breeders and so-called “puppy mills” with violations under the Animal Welfare Act (AWA) and the Horse Protection Act (HPA). They also rely on information to enforce state laws that, until now, was readily available on the APHIS website.

“Lack of access to AWA and HPA documents not only undermines the effectiveness of these federal laws, but also interferes with state and local laws meant to protect animals and consumers,” the letter continued. **“Without ready access to inspection reports, dog sellers in those states will have no practical way to comply with these laws, and state and local law enforcement efforts will be severely impeded.”**

Joining Durbin on the letter were: Bob Menendez (D-NJ); Dianne Feinstein (D-CA); Ron Wyden (D-OR); Tammy Baldwin (D-WI); Tom Udall (D-NM); Kirsten Gillibrand (D-NY); Charles E. Schumer (D-NY); Richard Blumenthal (D-CT); Elizabeth Warren (D-MA); Chris Van Hollen (D-MD); Gary Peters (D-MI); Jeff Merkley (D-OR); Patty Murray (D-WA); Martin Heinrich (D-NM); Maria Cantwell (D-WA); Ben Cardin (D-MD); and Bernie Sanders (D-VT).

In 2013, Durbin introduced the [Puppy Uniform Protection and Safety Act](#) (PUPS Act), which requires all breeders that sell more than 50 dogs a year be licensed and undergo inspections to ensure dogs are receiving proper care. In 2014, the USDA implemented a rule based on Durbin's PUPS Act that closed a loophole in the Animal Welfare Act (AWA) that allowed domestic puppy mills selling puppies via the internet to escape regulation and avoid inspection. Unfortunately, records of these online puppy retailers have also been removed from this section of the USDA website.

Full text of the letter to USDA Acting Deputy Secretary Michael Young is below:

February 13, 2017

Michael Young

Acting Deputy Secretary of Agriculture

United States Department of Agriculture

1400 Independence Avenue, SW

Washington, D.C. 20250

Dear Acting Deputy Secretary Young,

We are writing to express our concern regarding the recent decision by the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) to remove information from its website related to oversight and enforcement of the Animal Welfare Act (AWA) and the Horse Protection Act (HPA), including inspection reports for all regulated entities and annual reports submitted by research laboratories. We are urging the USDA to restore access to this information on its website immediately. For multiple years, APHIS has provided this information to the public, which created an atmosphere of transparency surrounding the accountability and

enforcement of animal cruelty laws. The removal of this information could have profound consequences going forward regarding the enforcement of animal cruelty laws nationwide.

Congress passed the AWA and the HPA decades ago and has appropriated tens of millions of dollars to the USDA for enforcement of these laws in recent years. The USDA annually inspects approximately 9,000 licensed facilities including commercial dog and cat breeding facilities, laboratories, zoos, circuses, airlines, Tennessee walking horse shows, and other operations. The work product that USDA employees create through these enforcement programs provides critical information about both compliant and non-compliant licensees. This information is valued by lawmakers; the media; a variety of industries that use animals in commerce, exhibition, and research; the animal welfare community; and the general public.

The public has a right to know if regulated entities have subjected animals in their care to abuse or otherwise failed to meet basic welfare standards. Public access to information can guide consumer decision making and plays an important role in deterring regulated entities from violating the law. For instance, a family will now have difficulty knowing that their family puppy did not come from puppy mill with a long track record of AWA violations. In addition, spectators at horse shows will no longer know if a specific horse trainer has a history of HPA violations. Also, a consumer purchasing cosmetics products will no longer have the certainty of knowing that the product being purchased comes from a company that is fully compliant with the AWA. Furthermore, scientific laboratories, circuses, aquariums, zoos and other for-profit animal businesses will no longer feel the pressure to fully comply with the AWA now that their violations will no longer be publicly available. These are just a few examples of the impact, intended or unintended, from the USDA's retreat from transparency.

Lack of access to AWA and HPA documents not only undermines the effectiveness of these federal laws, but also interferes with state and local laws meant to protect animals and consumers. For example, seven states currently prohibit the sale of dogs from breeding operations with a history of serious AWA violations. Without ready access to inspection reports, dog sellers in those states will have no practical way to comply with these laws, and state and local law enforcement efforts will be severely impeded.

We would like to know the following:

1. What led to the decision to remove this critical information from the USDA's APHIS website and who, specifically within the USDA and elsewhere, was involved with and authorized this decision?

2. The USDA states that courts are continually issuing decisions regarding privacy and this is a reason for the removal of this online information. What court cases, decisions and legal precedent, specifically, is the USDA using to base this decision upon?
3. Freedom of Information Act (FOIA) requests routinely take months and even years to be fulfilled. Why does the USDA believe that a FOIA request is now the best and most transparent method for obtaining information related to violations of the AWA and the HPA; information that was previously readily available?
4. The USDA's Office of Inspector General (OIG) has previously described APHIS's enforcement of the AWA and HPA as "ineffective" and USDA OIG initiated audits of AWA and HPA enforcement, in part, because the public had access to APHIS's inspection reports and demanded action. With this in mind, does the USDA believe that providing the public with less information will help the USDA to enforce these critical federal animal protection laws?

Again, we hope that the USDA will rethink this decision and immediately restore public access to this information. Thank you and we look forward to hearing from the USDA in a timely fashion.