

SUMMARY

EXECUTIVE SUMMARY

ENFORCEMENT OF THE ANIMAL WELFARE ACT

ANIMAL AND PLANT HEALTH
INSPECTION SERVICE
ENFORCEMENT OF THE ANIMAL
WELFARE ACT
WASHINGTON, D.C.
AUDIT REPORT NO. 33600-1-Ch

JANUARY 1995

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PURPOSE

We evaluated APHIS' enforcement of the Animal Welfare Act to determine whether its procedures and controls, as well as its overall enforcement authority, were sufficient to ensure that animal dealers and research facilities subject to its oversight were in compliance with the Act; whether APHIS made full use of its existing powers to enforce the Act; and whether APHIS took sufficient corrective actions on the recommendations from OIG's prior audit. Our prior audit found that APHIS was not inspecting all animal facilities on an annual basis.

Under the Animal Welfare Act, APHIS is responsible for ensuring the humane care and treatment of warmblooded animals used by research facilities, sold by dealers, or transported in commerce. Part of this responsibility requires APHIS to ensure that the facilities and dealers obtain the animals legally. To meet this responsibility, APHIS issues licenses and registration certificates to qualified animal care facilities, inspects the facilities to determine compliance with animal welfare standards and regulations, and undertakes various enforcement activities when facilities are out of compliance with the Act. During fiscal year 1993, APHIS performed 17,593 inspections at 9,411 sites in addition to other inspections relating to the licensing and registration of animal care facilities.

RESULTS IN BRIEF

APHIS does not have the authority, under current legislation, to effectively enforce the requirements of the Animal Welfare Act. For instance, the agency cannot terminate or refuse to renew licenses or registrations in cases where serious or repeat violations occur (such as the use of animals in unnecessary experiments, or failure to treat diseases and wounds). In addition, APHIS cannot assess monetary penalties for violations unless the violator agrees to pay them, and penalties are often so low that violators regard them merely as part of the cost of doing business.

We also found that not all dogs and cats were covered by the pet protection provisions of the Animal Welfare Act, which give pet owners 5 days to claim their pets from pounds or shelters before the

animals can be sold to research facilities. While licensed dealers must wait the 5 days before acquiring the animals for resale to research facilities, the research facilities themselves may buy the animals directly from the shelters as early as they wish. We found that two universities in different States had purchased numerous animals from pounds and shelters without observing the waiting period.

We also determined that APHIS could make more effective use of its existing enforcement powers. Because APHIS does not inspect research facilities before issuing the initial registrations, noncompliance with the standards of the Act by a newly registered facility may go undetected until APHIS' first inspection up to a year later. Monetary penalties were not always aggressively collected and were in some cases arbitrarily reduced. APHIS also generally accommodated facility operators who routinely refused APHIS inspectors access to their facilities, instead of issuing suspensions or taking other available enforcement actions. As a result, facilities had little incentive to comply with the requirements of the Act. We identified several instances in which facilities continued to commit violations even after the violations had been identified by APHIS.

APHIS inspections at research facilities did not sufficiently cover the activities of the Institutional Animal Care and Use Committees. These committees are established by the facilities at APHIS' direction to ensure that the animals are cared for and that unnecessary research is avoided. Without the proper inspections, there is insufficient assurance that the committees minimized pain and discomfort to research animals and prevented unnecessary experimentation. In addition, APHIS inspections did not identify instances where animals were shipped interstate without the required health certificates, or with incomplete certificates.

We found that APHIS had taken corrective actions on most of the recommendations from our prior audit. However, it still did not reinspect all locations where serious violations had previously occurred. It also did not use its tracking system effectively to prioritize upcoming inspections or track the completion of followup visits. For those inspections it performed, inspectors did not always properly classify those violations which endangered the health or safety of the animals, and which required followup visits. Consequently, some necessary followup visits were overlooked while less critical inspections continued to be made.

KEY RECOMMENDATIONS

We recommended that APHIS: Initiate legislation which would allow the agency to revoke, or withhold renewals of licenses and registrations; initiate legislation to extend the pet protection provisions of the Act to research facilities; and implement

procedures requiring that inspections be performed at all facilities prior to registration, and that registrations be withheld from any dealer which is not in compliance. We also recommended that APHIS strengthen its enforcement of the Act by holding dealers responsible for their full monetary penalties and by suspending the licenses of dealers who refuse to give APHIS access to their premises. Finally, we recommended that APHIS increase the effectiveness of its inspections by focusing on the activities of oversight committees at research facilities, by creating health certificates specific to each animal, and by tracking violations on the basis of their severity, as recommended in our prior audit.

AGENCY POSITION

The agency's response to the draft report, dated November 30, 1994, generally agreed with the findings and recommendations as presented, but in several instances the APHIS response did not provide sufficient corrective action to fully address the recommendations. Applicable portions of the APHIS response are incorporated, along with our position, within the Findings and Recommendations section of the report. The full text of the APHIS response is included as exhibit F of the audit report.