BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies Committee On Appropriations United States Senate

The Department Of Agriculture's Animal Welfare Program

Under the Animal Welfare Act, the Department of Agriculture inspects sites that handle certain warm-blooded animals to ensure their humane care and treatment. GAO obtained information in six states on the (1) training and guidance given to Agriculture's inspectors, (2) frequency of inspections, and (3) follow-up actions on deficiencies found during inspections.

In general, inspectors received on-the-job training and written guidance consisting of regulations setting forth standards for the humane handling, care, treatment, and transportation of animals. For the 3,379 sites in the six states, inspections in fiscal year 1983 occurred 1.7 times on average. Individually, the frequency varied considerably, and many sites (829) were not inspected during the year. Agriculture's field offices were generally following up on deficiencies noted during inspections.

The administration's 1986 budget proposes elimination of the program. If the Congress decides to continue the program, it should consider requiring the Secretary of Agriculture to recover more of the cost of the program from licensees.

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RESOURCES, COMMUNITY,
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B-217624

The Honorable Thad Cochran
Chairman, Subcommittee on Agriculture,
Rural Development and Related Agencies
Committee on Appropriations
United States Senate

Dear Mr. Chairman:

As requested in your September 1, 1983, letter and subsequent discussions with your office, this report discusses the Department of Agriculture's Animal Welfare Program.

As arranged with your office, we are sending copies of this report to the Director, Office of Management and Budget; appropriate congressional committees and subcommittees; and the Department of Agriculture.

Sincerely yours,

J. Dexter Peach
Director

GENERAL ACCOUNTING OFFICE
REPORT TO THE SUBCOMMITTEE ON
AGRICULTURE, RURAL DEVELOPMENT
AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE

THE DEPARTMENT OF AGRICULTURE'S ANIMAL WELFARE PROGRAM

D I G E S T

The Animal Welfare Act (7 U.S.C. 2131 et seq.) authorizes the Department of Agriculture (USDA) to inspect the premises of animal dealers, research facilities, exhibitors (such as zoos and circuses), and carriers and handlers to ensure the humane care and treatment of animals. (See p. 1.)

Annual appropriations for the program were about $4.9 million in fiscal years 1982-85. Licensees paid fees of about $143,000 in fiscal year 1983 (the latest data available), or about 3 percent of the funds appropriated for the program. Fees are based on the volume of business or number of animals held, depending on a licensee's business. (See pp. 1 and 3.)

The Chairman of the Subcommittee on Agriculture, Rural Development and Related Agencies, Senate Committee on Appropriations, asked GAO to study USDA's activities under the Animal Welfare Act. As agreed with the requester's office, GAO focused its work on obtaining information on

--the training and guidance given to USDA's inspectors,

--how USDA schedules its inspections of licensees and registrants and the frequency of those inspections, and

--the follow-up action USDA takes when inspectors find unsatisfactory conditions. (See p. 3.)

In addition, GAO also obtained information on how

--USDA officials monitor the quality of inspections,

--inspection statistics are collected for reporting purposes, and

--available funding is allocated among area offices. (See p. 33.)

GAO reviewed animal welfare inspection activities at the Animal and Plant Health Inspection Service's area offices in California, Iowa, Kansas, Missouri, New York, and Texas. These offices were selected because they represented 6 of the 10 states that had the most inspections of licensees and registrants--45 percent of the 19,473 inspections made in fiscal year 1982. (See p. 4.)

TRAINING AND WRITTEN GUIDANCE FOR INSPECTORS

According to area office officials and inspectors, the written guidance for the inspectors comes primarily from animal welfare standards in the Code of Federal Regulations, and the training is through formal training courses, on-the-job training, and periodic work conferences. In recent years, on-the-job training has been the main type of training. (See pp. 8 and 14.)

GAO reviewed the training records of 73 inspectors in six states and found that 57 of them had attended formal training courses, while the others had not. For example, 9 of the 23 inspectors in Texas had not attended any animal welfare training courses. However, of those who had attended training courses, 43 had not done so in recent years. For example, the latest training courses for the 17 inspectors in Texas were given in 1979. (See p. 8.)

In addition, GAO obtained the views of 11 regional and area office officials and 29 inspectors about the adequacy of the training. About half of the officials said that the training was not adequate, while others said that it was adequate only because the inspectors in their offices were experienced. Twenty-one of the 29 inspectors said that their training was adequate but 8 of these expressed reservations. For example, three inspectors said that the training was adequate because they already had experience working with animals and three others said that they still wanted more. (See p. 16.)

GAO also obtained comments from 7 regional and area office officials and 19 inspectors about the adequacy of guidance provided. Fifteen of these officials and inspectors said that the written guidance was not adequate, the most common reason being that the standards are too broad and require a great deal of interpretation. Of the 11 officials and inspectors who believed that the guidance was adequate, 6 said, however, that the standards were broad and required a great deal of judgment. (See p. 16.)

FREQUENCY OF INSPECTIONS

The Service does not have a formal system for scheduling inspection visits. However, program personnel GAO interviewed and planning documents stated that a desired level for an effective program was 4 inspections per year. The inspectors are required to reinspect sites with major deficiencies (those that would usually constitute a health or safety hazard to the animals involved, such as animals in obvious need of veterinary care or enclosures in an advanced state of structural disrepair) to determine corrective action taken. The inspectors also receive general guidance as to how often sites can be inspected with available funds. The inspectors told GAO that they schedule visits based on their judgment and knowledge of the sites, generally planning to make more frequent visits to sites that have problems. (See pp. 21 and 24.)

GAO found that the 3,379 sites in the six states were inspected, on average, 1.7 times during fiscal year 1983. However, the average frequencies in each of the six states visited varied greatly, from a low of 0.7 in California and New York, to a high of 2.4 in Iowa and Kansas. (See p. 20 and app. I.)

Many sites were not inspected at all during fiscal year 1983--51.7 percent in California, 48.7 percent in New York, 22.0 percent in Missouri, 13.0 percent in Texas, 10.0 percent in Iowa, and 6.4 percent in Kansas. The California area office officials said that the office did not obtain sufficient funds to do more inspections. Officials of the New York area office also said that the office did not have enough inspectors to make more inspections. (See p. 22.)

FOLLOW-UP ON DEFICIENCIES

The Inspection Service's policy requires that deadlines be set for correcting major deficiencies found and that reinspections be made within 30 days after the deadline date. If the deficiencies have not been corrected at the time of reinspection and the deadlines have not been extended, the area offices are to prepare apparent violation cases that are sent to Service headquarters. Headquarters reviews the cases and either sends a letter of warning, takes no action for reasons such as lack of evidence, or forwards the case to the Department's Office of General Counsel with a recommendation for prosecution. (See p. 27.)

The inspection reports reviewed by GAO included 114 sites where major deficiencies were found during inspections. GAO found that the Inspection Service's offices generally complied with the Service's policy and met the time frame goals for the various steps in the process. There were three sites, however, where deadline dates were not established, eight sites where required reinspections were not made within 30 days of the deadline date, three sites where reinspections were not made at all, and three sites where the area offices did not prepare apparent violation cases when uncorrected deficiencies were found during a reinspection. (See p. 29 and app. IV.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

Officials told GAO that the funding level for the Animal Welfare Program has affected the extent of training given to inspectors and the frequency of inspections of regulated sites. Agriculture proposed for fiscal years 1983, 1984, and 1985 that funding for inspections be reduced or eliminated and that nonfederal (state, local, and private) entities take on more responsibility for enforcing animal welfare regulations. The Congress, however, has continued to fund the program at about the same level as in prior years. The President's fiscal year 1986 budget proposes elimination of the program.

The ultimate decisions as to the extent of the federal role in animal welfare enforcement and the appropriate level of funding for the federal role will have to be made by the Congress.

If the Congress decides to continue funding the program, it should consider requiring the Secretary of Agriculture to recover more of the cost of the program from licensees. (See p. 33.)

OTHER PROGRAM ADMINISTRATION MATTERS

GAO noted, during its review, some additional matters affecting the program. These relate to (1) how USDA officials monitor the quality of inspections, (2) inspection statistics collected for reporting purposes, and (3) how available funding is allocated among area offices. Although GAO did not examine these matters in depth, it is presenting the information since these topics should be useful in future assessments of the program.

Monitoring inspection quality

The Health Inspection Service has assigned responsibility for overseeing the quality of inspections to designated area office personnel but has not specified a system or procedure for carrying out this responsibility. Two of the six area offices GAO visited had programs to monitor inspection quality that were also used to provide on-the-job training to inspectors. The quality of inspections in a third area office was monitored by a regional office under a program that also combined monitoring with on-the-job training. The other three area offices did not have programs for monitoring inspection quality. (See p. 34.)

Inconsistent reporting of inspections

Area offices collect inspection statistics and submit them to Service headquarters for its use in management activities and the Service's annual report to the Congress. The area offices computed inspection results in different ways, making the results not comparable. GAO also noted that the reported statistics did not agree with the number of inspections shown in the area office records. For example, the California area office reported that it had made a total of 624 inspections for fiscal year 1983, which was 24 percent more than the numbers shown in the office's inspection records. (See p. 38.)

Funding of inspection activities

The Service restricted animal welfare inspections during much of fiscal year 1983 because it believed some available funds might have to be used in some of its other programs. When additional funds were released in June, it was too late in the fiscal year to use all of them to conduct animal welfare inspections. The way in which the Inspection Service allocated 1983 funds among its area offices--based on 1982 work levels rather than making adjustments for estimated current potential workloads and severity of expected problems--contributed to the differences in inspection frequencies among the area offices. (See p. 41.)

AGENCY COMMENTS

In commenting on this report, USDA said that the Animal and Plant Health Inspection Service generally agreed with GAO's findings. It said that the source of the problems GAO identified and their eventual resolution are directly related to organizational structure and lines of communication. USDA said that the program was reorganized just prior to GAO's work, and it is confident that many of the problems that existed during GAO's work have been or are being resolved. In general, the actions cited by USDA address the concerns raised by GAO in its review of this program. (See pp. 18, 25, 32, and 43.)

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ABBREVIATIONS

APHIS	Animal and Plant Health Inspection Service
GAO	General Accounting Office
USDA	U.S. Department of Agriculture

CHAPTER 1

INTRODUCTION

Under the Animal Welfare Act, as amended (7 U.S.C. 2131 *et seq.*), the U.S. Department of Agriculture (USDA) administers a program to ensure the humane care and treatment of certain warm-blooded animals. Provisions of the act apply to live or dead animals used or intended for use for research, testing, experiments, exhibition, or as a pet. The act applies to all dogs, including those used for hunting, security, and breeding purposes. The act excludes some animals such as horses not used for research purposes and other farm animals used or intended for use as food or fiber.[1]

To protect the animals, the act directs USDA to inspect facilities where the animals are kept or are temporarily handled. Research facilities, dealers, exhibitors (such as circuses and zoos), carriers (such as airlines and railroads), and intermediate handlers (entities that receive custody of animals in connection with their transportation) generally are subject to USDA regulations and inspections. In addition, dealers must be licensed by and research facilities, carriers, and intermediate handlers must register with the Secretary of Agriculture. Most exhibitors are required to be licensed, but some have the option of registering instead. The act authorized civil or criminal penalties for those who violate any provisions of the act.

USDA'S ANIMAL WELFARE PROGRAM

USDA has issued regulations setting forth the standards for the humane handling, care, treatment, and transportation of animals covered by the program. Separate standards are provided for dogs and cats, guinea pigs and hamsters, rabbits, nonhuman primates (any nonhuman members of the highest order of mammals, such as monkeys and apes), marine mammals, and other warm-blooded animals. Each of the standards covers three main types of requirements: (1) facilities and operations (covering such things as waste disposal, ventilation, lighting, shelter, and space requirements), (2) animal health and husbandry (covering such things as feeding, watering, sanitation, and veterinary care), and (3) transportation (covering such things as construction of primary enclosures, food and water requirements, and care in transit).

USDA approves an application for a license after it determines that the applicant's premises, facilities, and equipment comply with the standards and the applicant has paid the prescribed annual fee. The annual fee for dealers ranges from $5 to

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[1]USDA regulations (9 C.F.R. 1.1(n)) also exclude birds, rats, and mice.

$500, depending on volume of business. The annual fee for exhibitors ranges from $5 to $100, depending on the number of animals held. Licenses remain valid until terminated voluntarily by the licensee, revoked or suspended by USDA, or canceled automatically for failure to pay the annual fee or to file an annual report showing the licensee's volume of business or number of animals held, as appropriate. USDA collected about $143,000 in fees in fiscal year 1983 (the latest available data).

Research facilities, carriers, intermediate handlers, and certain exhibitors not required to be licensed must register with USDA. Registrations continue in effect until facilities are disbanded or merged with another registrant. Federal agencies do not have to register as research facilities, but they are required to follow USDA's standards.

The following table shows the number of active licensees and registrants for fiscal years 1981-83.

Type	Fiscal year 1981	1982	1983
Research facilities	1,169	1,113	1,166
Dealers	3,664	3,439	3,490
Exhibitors	1,298	1,343	1,367
Carriers	115	124	125
Intermediate handlers	197	215	221
Total	6,443	6,234	6,369

USDA enforces the act by making unannounced inspections, called compliance inspections, at licensees' and registrants' premises to determine whether they are complying with regulations and standards. USDA also inspects facilities before issuing licenses, investigates public complaints about conditions at licensed or registered establishments, and investigates entities that may be subject to regulation to determine whether they should be licensed or registered.

The USDA organization that administers the Animal Welfare Program is Veterinary Services of the Animal and Plant Health Inspection Service (APHIS). Veterinary Services has five regional offices located in Scotia, New York; Tampa, Florida; Englewood, Colorado; Fort Worth, Texas; and Reno, Nevada; and area offices in most states.

APHIS' Veterinary Services is responsible for 19 animal health and disease programs, of which animal welfare is only a small part. For example, the $4.9 million appropriated for animal welfare in fiscal year 1983 represented 2.8 percent of the $174.7 million appropriated for APHIS' animal health programs. According

to USDA, the APHIS personnel who make the animal welfare inspections perform many other duties as well and only spend about 6 percent of their total time on animal welfare inspections.

FUNDING FOR ANIMAL WELFARE

The appropriations for the Animal Welfare Program for fiscal years 1981 through 1985 were as follows:

Fiscal year	Amount (millions)
1981	$4.541
1982	4.882
1983	4.865
1984	4.865
1985	4.865

For fiscal years 1983 and 1984, USDA requested funding of $1.5 million and $1.6 million, respectively, and proposed to eliminate routine inspections of dealers, research facilities, exhibitors, and carriers. USDA's stated rationale for eliminating inspections was that it believed the states, industry groups, humane societies, and individuals should be responsible for the primary enforcement of animal welfare regulations.

USDA again proposed in its fiscal year 1985 budget request that the Animal Welfare Program be reduced, although the reduction would be smaller than those proposed for 1983 and 1984. USDA asked for $3.7 million, a reduction of about $1.2 million from the 1984 level. This reduction would have been achieved by reducing the frequency of routine inspections, under the rationale that states, industry groups, and humane societies should take on greater responsibility for enforcing animal welfare regulations. As shown by the amounts appropriated, the Congress has not accepted USDA's proposed reductions in routine inspections.

USDA's budget for fiscal year 1986 proposes that the Animal Welfare Program be eliminated. USDA said that, given current fiscal restraints, it must concentrate its limited resources in areas that will protect agriculture from pests and diseases.

OBJECTIVES, SCOPE, AND METHODOLOGY

The Chairman of the Subcommittee on Agriculture and Related Agencies, Senate Committee on Appropriations, asked us to conduct a study of USDA's activities under the Animal Welfare Act. As agreed with the requester's office, we focused our work on obtaining information on

--the instructions and training given to USDA inspectors,

--how USDA schedules its inspections of licensees and registrants and selects locations to be visited and the frequency of inspections, and

--the follow-up action USDA takes when its inspectors find an unsatisfactory condition.

Evaluating the adequacy of instructions and training for any group of employees is always a difficult task that requires subjective judgments. Because USDA has not established criteria that set out the amount and type of instruction and training that would be considered as adequate for animal welfare inspectors, we were not able to reach conclusions as to the adequacy of instructions and training. Also, while neither the Animal Welfare Act nor USDA has specified a required inspection frequency, we did obtain information from APHIS' internal planning documents and APHIS' inspection personnel on what may be considered to be a desired frequency of inspections (see ch. 3). We have no criteria, however, for assessing the validity of these desired frequencies. Therefore, we did not reach any conclusions as to the adequacy of APHIS' actual inspection frequency.

In addition, we also obtained information on (1) how USDA officials monitor the quality of inspections, (2) the inspection statistics reported by APHIS area offices, and (3) how available funding is allocated among the area offices. We did not evaluate USDA's decisions in these areas, because it was beyond the scope of our work. However, we are presenting the information we obtained for the Congress' and APHIS' use in future program assessments.

We reviewed the Animal Welfare Act, USDA's regulations, and APHIS documents and records on its inspection activities and interviewed APHIS officials and inspectors. We did most of our work at six APHIS area offices in Sacramento, California; Des Moines, Iowa; Topeka, Kansas; Jefferson City, Missouri; Albany, New York; and Austin, Texas. We selected these six offices, each of which covers an entire state, because the six states covered by them were among the 10 states that had the most compliance inspections and active licensees and registrants during fiscal year 1982 (the most current data available when we planned our review). Kansas, Missouri, Texas, and Iowa were the four top states in number of inspections while California and New York were the two states that had the highest number of research facilities. These six states made up 44.7 percent of the 19,473 compliance inspections made in fiscal year 1982 and contained 40.8 percent of the active licensees and registrants during that year.

We also examined records and interviewed officials at USDA headquarters in Washington, D.C., and APHIS headquarters in Hyattsville, Maryland. We interviewed officials of the following APHIS regional offices: Scotia, New York; Fort Worth, Texas; Englewood, Colorado; and Reno, Nevada. Our examination of records

and interviews with APHIS personnel covered the training and guidance given to inspectors, monitoring of inspection results, scheduling of inspections and their frequency, reasons for not inspecting some facilities, impact of funding allocations, actions taken to correct identified deficiencies at licensees and registrants, and general program administration.

At each of the six area offices, we obtained a list of all facilities that were licensed or registered at any time between July 1, 1982, and September 30, 1983. We calculated, or had the area office calculate, the number of times each site (some licensed or registered facilities have more than one site) was actually inspected during the period. We also tested the accuracy of the data where the area office prepared the calculation. We used fiscal year 1983 as the period for which we compiled data on the frequency of inspections for each site. We used a July 1, 1982, to June 30, 1983, period for our work on APHIS' follow-up actions on deficiencies to minimize the possibility of selecting inspections that were too recent for APHIS to have completed its follow-up actions.

We reviewed a random sample of inspection reports to determine what follow-up actions APHIS took on deficiencies identified during inspections. The universe from which we drew our sample was the list of all sites in the six area offices that had been inspected between July 1, 1982, and June 30, 1983. We drew a sample of 100 sites in each office--600 sites in total. We reviewed all inspection reports for the selected sites during the period to identify site inspections where deficiencies were found and determine what corrective actions were reported on follow-up inspections.

We determined what further actions had been taken by the area offices for the selected sites where reinspections showed that prior deficiencies had not been corrected. We also reviewed the actions taken by APHIS and USDA headquarters on cases that were referred to headquarters by the area offices when they determined that an apparent violation existed because of failure to correct deficiencies. Because relatively few apparent violation cases existed in our 600-site sample, we also reviewed apparent violation cases submitted by the six area offices and cases that had violation dates during the period but were submitted later to have a more adequate number of cases for our work at APHIS and USDA headquarters.

In addition, we accompanied inspectors on regular inspections of three dealers, one research facility, and one exhibitor in three states to familiarize ourselves with the types of facilities inspected and with APHIS' inspection procedures. We did not evaluate the adequacy of these particular inspections.

Because our work covered program operations in six states, our information on training, inspection frequency, and follow up

of deficiencies is not statistically projectable nationwide. The six states covered in our review, however, make up a large portion (almost 50 percent) of the program's total inspection activity. In discussing the results of our work with APHIS' Assistant Director, Animal Health Programs, Veterinary Services; Technical Director, Animal Health Programs, Veterinary Services; and Interstate Inspection and Compliance Staff Director, Veterinary Services, they agreed that our observations and information on program administration and funding allocations are typical of the remaining states and have programwide applications.

Except as noted above, we did our work in accordance with generally accepted government auditing standards and coordinated our work with USDA's Office of the Inspector General.

CHAPTER 2

TRAINING AND WRITTEN GUIDANCE FOR INSPECTORS

Regional and area offices since fiscal year 1981 have been responsible for inspector training. The primary method of training provided by these offices is on-the-job training. We found that the extent of training varied considerably among the six area offices we visited.

With respect to written guidance, the inspectors are given the regulations setting forth the standards for the humane handling, care, treatment, and transportation of animals as a guide in conducting inspections of facilities. In addition, APHIS has supplemented the regulations with memorandums providing further guidance on selected aspects of the inspection program.

Regional and area office officials had mixed views on the adequacy of the training and guidance given to inspectors. On the other hand, most of the inspectors we interviewed said that their training had been adequate while they had mixed views on the adequacy of guidance received.

ANIMAL WELFARE INSPECTION STAFF

APHIS' Veterinary Services area offices have two types of personnel who perform animal welfare inspections. Veterinary medical officers generally inspect research facilities, zoos, and other large exhibitors. Animal health technicians inspect the other types of regulated facilities. These technicians usually work under the supervision of veterinary medical officers.

The following table shows the number of inspectors who worked on the Animal Welfare Program and their percentage of time spent on animal welfare inspections (based on our analysis of the area offices' reports on work performed) during fiscal year 1983 for the six area offices we reviewed.

	Number of inspectors			
Area office	Veterinary medical officers	Animal health technicians	Total	Percent of time on animal welfare inspections
California	11[a]	14	25	5.7
Iowa	6	8	14	17.9
Kansas	9	8	17	25.9
Missouri	9	11	20	9.4
New York	4	3[b]	7	11.1
Texas	11	6	17	10.7

[a]One of these veterinary medical officers left in February 1983 and another started in April 1983.

[b]One of these technicians was promoted in June 1983 to another position that does not involve animal welfare.

TRAINING GIVEN TO INSPECTORS

APHIS has no policy setting forth the amount and types of training that animal welfare inspectors should receive. According to area office officials and inspectors, training is provided to inspectors by means of formal training courses, on-the-job training, and periodic work conferences. In recent years, on-the-job training has been the primary type of training for inspectors.

During fiscal year 1981, APHIS decided that, as part of actions taken to cope with budget limitations in a number of its programs, the emphasis on training activities would be at the regional and area levels. Previously, APHIS headquarters had run the formal training courses for inspectors. The following table shows the reported staff days spent on formal animal welfare training during fiscal years 1981 through 1983 for the six area offices we reviewed.

Area office	Total staff days charged to training for fiscal year 1981	1982	1983	Staff days per inspector in fiscal year 1983
California	5.0	10.0	13.8	0.6
Iowa	30.9	53.0	2.5[a]	0.2
Kansas	34.4	20.0	0	0
Missouri	24.5	43.3	0	0
New York	3.6	0	15.0	2.1
Texas	22.0	0	8.0	0.5

[a]The training time reported by the Iowa area office may be understated. An area office memorandum indicates that 6 staff days may have been spent on training. The area veterinarian-in-charge could not readily explain the discrepancy. If 6 days is the correct amount, the staff days per inspector would be 0.4.

Our work at the six area offices showed that 57 of the 73 inspectors for whom we obtained training information had attended formal animal welfare training courses, but we noted that a number of inspectors had never attended any animal welfare courses. For example, 9 of the 25 inspectors in California and 6 of the 17 inspectors in Texas had never attended any formal animal welfare training courses. Also, 43 of the inspectors who had attended formal training courses had not done so in recent years. For example, only 1 of the 17 inspectors in Kansas had attended any animal welfare courses since 1980, and none of the inspectors in Texas had attended any animal welfare courses since 1979.

The inspectors in all six offices generally received on-the-job training when they first started working on animal welfare and have also been provided with subsequent on-the-job training. In addition, five of the six area offices include discussions of animal welfare topics at periodic work conferences, although California had only held one such conference since 1981. The Texas area office holds work conferences but does not use them to provide training.

The following discusses inspector training in the locations we visited.

California

The California area veterinarian-in-charge told us that APHIS headquarters has not provided formal training since 1980 and APHIS asked regional and area offices to set up training courses. However, he said that the area office did not receive funds for such training and therefore has not provided formal training for its inspectors. In March 1981 the Western regional office notified area veterinarians-in-charge that annual training seminars should be conducted for all employees having animal care responsibilities. The region said that this training could be held during area work conferences. In April 1983, the California area office held a 2-day work conference--1 day was devoted to animal welfare. The topics covered during the animal welfare part of the conference included reporting on inspections, initiating and documenting alleged violation actions, transportation standards, enforcement policy, work priorities, and a film on research facility inspections. According to the area veterinarian-in-charge, this was the first area work conference since he came to the area office in March 1981. He also noted that some of the inspectors were not able to attend the conference.

During 1983 the regional animal care specialist provided animal welfare training to eight veterinary medical officers and one animal health technician. The training generally included 2 days of classroom training plus on-the-job training.

The area veterinarian-in-charge said that on-the-job training briefs new employees on the requirements of the Animal Welfare Act and regulations and shows them how to conduct inspections. He said that an experienced inspector works with the new employees on several inspections. According to the area veterinarian-in-charge, limited on-the-job training is periodically given to experienced inspectors--the regional animal care specialist provides this training for the veterinary medical officers while compliance officers train the animal health technicians.

The area office keeps records that show the training given to each employee. These records do not show, however, attendance at the area work conferences or on-the-job training. These records show that nine inspectors--two veterinary medical officers and seven animal health technicians--had never received any formal animal welfare training, including one animal health technician who was hired in 1958. Of the six inspectors hired in fiscal year 1980 or later for whom training records were available, two animal health technicians and two veterinary medical officers had received no formal training; two veterinary medical officers received training from the regional animal care specialist in 1983.

We interviewed two veterinary medical officers and three animal health technicians about the extent of their on-the-job training. One of the veterinary medical officers said he has received

no on-the-job training since the training he received when he first started in 1978. The other officer said that he has been visited twice by the regional animal care specialist to review and discuss his inspections. He said that he spends 2 to 5 days a year giving on-the-job training to two animal health technicians. Of the three technicians we interviewed, one said that he had received a day of on-the-job training from a compliance officer in the spring of 1983, the only such training since 1979; another said that he received on-the-job training from compliance officers 3 times in recent years; the third said that he receives on-the-job training 1 to 3 times a year but that each time it was at his request because he had encountered a problem situation.

Iowa

According to the area veterinarian-in-charge, the North Central regional office conducted formal training sessions in June 1982. Guest speakers from APHIS headquarters, various types of regulated facilities, and humane societies discussed animal welfare issues and concerns. In addition, he said that the regional animal care specialist has provided on-the-job training for new staff members and supplemental training for other staff members. The area veterinarian-in-charge said that all new employees are initially assigned to work with a senior veterinary medical officer or animal health technician for 2 weeks. At that time the employees accompany the senior inspector on inspections to learn how to conduct proper inspections.

The area veterinarian-in-charge noted that the inspectors' on-the-job training was supplemented by frequent work conferences that cover all APHIS programs, including animal welfare. During our work at the Iowa area office, we observed one of the area office's periodic work conferences. Topics discussed during the conference, which was attended by the entire area office, included current animal welfare issues and the need for complete reporting on inspection results.

We interviewed 5 of the 14 animal welfare inspectors in Iowa--two veterinary medical officers and three animal health technicians. Each of the five inspectors said that they had attended formal training courses within the last few years--two in 1982 and the other three in 1980 or 1981. Training records show that the 1982 course was a 3-day course conducted by the regional office in June 1982. Each of the inspectors also said that they had received 1 or 2 days of on-the-job training from the regional animal care specialist during which the specialist accompanied them on inspections and provided feedback and guidance. Three of the inspectors received this training from the animal care specialist in 1983, while the other two received it in 1981. One of the technicians also said that his supervising veterinary medical officer accompanies him on a full day of inspections once or twice a year to review his performance and provide guidance.

Kansas

The area veterinarian-in-charge said that most of the area office's inspectors had attended at least one training course, but he said there has been a considerable drop in formal training courses during the last 4 years. He also said that the area office used to hold periodic work conferences that included refresher material on animal welfare but that these conferences have not been held in the last 2 years because of budget restrictions. The assistant area veterinarian-in-charge said that annual work conferences are held in each section (the area under the jurisdiction of a veterinary medical officer) to review animal welfare issues with the medical officer and the animal health technicians reporting to her/him.

The area office records show that only one current inspector, an animal health technician, has attended a training course since 1980. This was a 3-day course at the North Central regional office in June 1982.

The area veterinarian-in-charge said that the area office has a program of oversight inspections on a spot-check basis to assure uniformity among inspectors. The assistant veterinarian-in-charge explained that someone either accompanies the regular inspector on an inspection to review the inspector's work or else makes an independent reinspection to compare results. The assistant said that specialized on-the-job training is then provided if the inspector appears to interpret regulations differently from other inspectors. According to the assistant veterinarian-in-charge, he or a compliance officer reviews or reinspects sites inspected by veterinary medical officers, while veterinary medical officers review or reinspect sites inspected by animal health technicians. The two area office compliance officers who work on animal welfare told us that they have not made any oversight inspections since mid-1982.

We interviewed 5 of the 17 animal welfare inspectors in Kansas--two veterinary medical officers and three animal health technicians. Each of the five inspectors has worked on animal welfare since at least 1977, and they all said that they had attended formal training courses in the past. Area office training records show that the latest formal courses each of the five had attended were in 1979, and they all confirmed that they had not attended any later courses. In addition, each of the five said that they had attended area work conferences. The four who cited the frequency of these conferences said they used to be held twice a year.

All five inspectors said that they had received on-the-job training when they started working on animal welfare inspections by going on inspections with an experienced inspector. They also said that, from time to time, they are accompanied on inspection visits or have their sites reinspected by the assistant area veterinarian-in-charge, a veterinary medical officer, or a compliance officer who provides guidance to them. The two veterinary

medical officers interviewed also said that they are responsible for making quarterly independent reinspections of five sites that have been inspected by the two animal health technicians each officer supervises.

Missouri

The area veterinarian-in-charge said that all inspectors have received at least 1 week of training, either formal or on the job. He said that during the past 2 or 3 years it has become increasingly difficult for animal welfare personnel to receive training because funds have not been available. This lack of recent formal training had forced the area office to ask the regional animal care specialist to visit Missouri to provide more on-the-job training. He noted that three-quarters of the animal welfare personnel in Missouri have asked for more formal training courses. He also said that the area office holds work conferences once or twice a year, based on the availability of funds, at which about 4 hours are devoted to discussing animal welfare issues.

We interviewed 5 of the 20 animal welfare inspectors in Missouri--two veterinary medical officers and three animal health technicians. Four inspectors had received formal animal welfare training; the latest such training for three of them was in 1979, while the fourth attended a 3-day course at the North Central Regional Office in June 1982. One animal health technician, who started work in 1980, has never attended any formal animal welfare courses. All five inspectors said that they had received on-the-job training, generally lasting about 2 weeks, when they started work, during which time they went on inspections with another inspector and received guidance and instructions. They all said also that the regional animal care specialist had provided subsequent on-the-job training by accompanying them on inspections and providing feedback and guidance.

The five inspectors said that they attended periodic area work conferences (four cited a frequency of once or twice a year) and that these conferences included discussion on animal welfare topics such as current issues, inspection procedures, problems with inspection reports, funding, and inspection frequencies. Four inspectors said that they attended periodic section meetings with the area veterinarian-in-charge or the assistant (who is the animal care coordinator) to discuss matters of concern on animal welfare.

New York

The Director of the Northern regional office told us that the regional office provides formal training for the animal welfare staff. He, the area veterinarian-in-charge, and other regional and area officials, said that the regional and area offices have had difficulty in scheduling training primarily because of funding constraints. They said that the only formal training in fiscal year 1983 was an August 1983 course moderated by the regional animal care specialist. The course emphasized marine mammals

because they had never been addressed in past training. The 5-day course covered a number of topics, such as the outlook for the animal welfare program, how to make an inspection, regulations, marine mammals, and alleged violations and deficiencies. The course included a talk by a humane society representative and a field trip to a city zoo. Two veterinary medical officers from the New York area office attended the course.

The area veterinarian-in-charge said that the area office provides on-the-job training to new employees by having them accompany inspectors on inspections. He also said that some current animal welfare topics are discussed at annual work conferences. According to the regional and area officials, the regional animal care specialist provides on-the-job training to inspectors by accompanying them on inspections, providing them with feedback on their performance, and giving them guidance. Reports prepared by the regional animal care specialist show that she accompanied inspectors on inspections and provided feedback and guidance in October and December 1981 and January, February, and October 1982.

We interviewed four of the six current animal welfare inspectors in New York--three veterinary medical officers and one animal health technician. Two of the veterinary medical officers had attended the regional course in 1983, mentioned above, while the other two inspectors had their most recent formal training in 1979. The animal health technician and two of the three veterinary medical officers said that they had received about 2 weeks of on-the-job training when they first started working on animal welfare by going on inspections with experienced inspectors to learn how to make inspections.

Texas

The animal care coordinator (assistant area veterinarian-in-charge) said that there is currently no formal training program at the national or regional level because of budget cuts. He said that the area office does not conduct its own formal training because of the great distances in the state and the small number of inspections per inspector and that the last courses or seminars in the area office were in 1979. Area office training records show that six (three veterinary medical officers and three animal health technicians) of the 17 inspectors in Texas have never received formal animal welfare training. All six have been employed by APHIS since 1979 or earlier. The remaining 11 inspectors received formal training in 1979, and six of these had earlier training as well.

The animal care coordinator said that the only training being given to inspectors now is on-the-job training. He said that all inspectors had been given such training soon after starting work on animal welfare by working with experienced inspectors. He said that the area office's ongoing on-the-job training is primarily provided by a compliance officer and the regional animal care specialist, but that there is no set schedule for such training.

According to the animal care coordinator, the compliance officer has spent 1 or 2 days with each animal health technician and the regional animal care specialist has provided training to all veterinary medical officers at one time or another. The coordinator also said that veterinary medical officers are expected to provide on-the-job training to animal health technicians to the extent they believe necessary.

The animal care coordinator said that the area office holds work conferences once every year or two, but he does not view these conferences as being part of the training program. He said that these conferences are really more like staff meetings, and there is too little time to do any training or review techniques and procedures. He also noted that the animal health technicians do not always attend the work conferences.

We interviewed 5 of the 17 animal welfare inspectors in Texas--two veterinary medical officers and three animal health technicians. One animal health technician told us that he had not received any formal training since he started working as an animal welfare inspector. He said that when he started he was given a package of written materials on animal welfare and was told to start making inspections. The area office's training records, however, show that he attended a 2-day animal welfare course in April 1979. This technician said that he does receive on-the-job training from a compliance officer who accompanies him on inspections and reviews inspection procedures with him. Of the other two technicians, one said that his only formal training had been the course in April 1979, while the other said that he had started working on animal welfare in August 1980 but had never attended any training courses, which agreed with training shown in the area office's records. Both of the technicians said that they receive on-the-job training. One said that the compliance officer accompanies him on inspections 2 or 3 times a quarter to help improve his inspection technique and understanding. He also said that the compliance officer and the regional animal care specialist often reinspect facilities the technician has inspected to compare results. The other technician said that a veterinary medical officer and a compliance officer give him on-the-job training.

One of the veterinary medical officers said that his training has involved studying the Animal Welfare Act and written policies and procedures. Area office training records show that he attended a 5-day training course in December 1975 and a 2-day course in April 1979. The other veterinary medical officer also attended the April 1979 course. He said that most of the training being received by inspectors is on-the-job training.

WRITTEN GUIDANCE

According to area office officials and inspectors, the primary written guidance for implementing the animal welfare program is the standards in the Code of Federal Regulations for the humane handling, care, treatment, and transportation of animals. APHIS headquarters, regional offices, and area offices have also issued

memorandums providing additional guidance on certain aspects of the program.

Animal welfare standards

The APHIS forms used to record inspection results are set up so that the inspector can show whether conditions were adequate or deficient for each of the animal welfare standards for each type of animal. The forms show the section numbers in the regulations that contain each of the standards. As discussed earlier, there are separate sets of standards for each of the following kinds of animals: (1) dogs and cats, (2) guinea pigs and hamsters, (3) rabbits, (4) nonhuman primates, (5) marine mammals (such as porpoises, dolphins, whales, seals, and polar bears), and (6) other warm-blooded animals (referred to as "other" animals in the rest of this report). The standards are divided into three main categories: facilities and operating, animal health and husbandry, and transportation. Carriers and intermediate handlers are subject only to the standards on transportation.

The facilities and operating standards cover such things as water and electric power, washrooms and sinks for caretakers, heating, ventilation, lighting, and protecting the animals from sunlight, rain or snow, and cold weather. The animal health and husbandry standards cover requirements for such things as feeding, watering, and veterinary care. The transportation standards cover requirements such as sizes of cages used to transport animals and maximum times before scheduled departure for accepting animals for shipment. A more detailed summary of the standards which cover the conditions inspectors must look for is shown in appendix III.

Other written guidance

APHIS Veterinary Services headquarters has issued a series of memorandums that discuss topics such as the assignment of responsibilities and accountability for program enforcement, the designation and duties of the animal care coordinator, and procedures for handling license applications and fees. Four of these memorandums contain specific guidance on making inspections, while two others contain guidance on handling deficiencies found.

Three memorandums, issued in 1981 and 1982, provide guidance on inspections of research facilities, exhibitors, and common carriers and intermediate handlers. The memorandums outline the procedures to be followed when making inspections and contain a summary list of the standards the inspectors are to cover. A fourth memorandum issued in February 1975 clarified and explained the standards on veterinary care. Procedures for reporting and following up on deficiencies found are contained in an August 1980 memorandum, as revised by an April 1981 notice. Separate procedures for handling violations by common carriers and intermediate handlers are set forth in a June 1980 memorandum.

The regional and area offices have supplemented the headquarters memorandums with other memorandums on such topics as specific aspects of the standards and handling deficiencies.

APHIS is working on a manual to be used by animal welfare inspectors. The proposed manual is being developed by a regional animal care specialist in Reno, who said that the purpose of the manual will be to have all animal welfare information and guidance in one source. The draft preface states that the manual will include examples of how to properly complete inspection reports; guidelines on proper inspection procedures; and simplified explanations of definitions, regulations, and standards. APHIS' Assistant Director, Animal Health Programs, told us that the manual will reflect current APHIS policy.

OPINIONS OF APHIS ANIMAL WELFARE PERSONNEL ON ADEQUACY OF TRAINING AND GUIDANCE

We interviewed 3 regional animal care specialists, 8 area veterinarians-in-charge or assistant area veterinarians-in-charge (animal care coordinators), and 29 of the 99 inspectors (13 of the 50 veterinary medical officers and 16 of the 49 animal health technicians) in the six area offices reviewed to obtain their opinions on the adequacy of training and/or written guidance provided to inspectors. Of the officials who expressed such opinions, about half said that the training was not adequate, while others said that it was adequate only because the inspectors in their offices had so much experience. Of the inspectors who offered their opinion, most said their training was adequate. About half of the officials and inspectors said that the written guidance was not adequate.

One regional animal care specialist did not comment on training, while the other two said that the training is not adequate. One specialist said that there was effective training before APHIS headquarters delegated training responsibility but there are not enough funds for effective training now. She said that program-wide training is of better quality than local training because more people with expertise are available to provide program-wide training. She also said that on-the-job training does not encourage inspectors to voice their uncertainties. The second specialist said that training is hampered by a lack of funds and is very poor. She also said that more training is needed in special areas such as marine mammals and zoos.

All three regional specialists said that written guidance was not adequate. Two cited the lack of an inspection manual as a problem; one noted that animal welfare is so complex and varied that inspectors are often confronted with new conditions. The third specialist said that there is a significant need for more written policy statements and interpretations of standards.

Five area veterinarians-in-charge or assistant area veterinarians-in-charge commented on the adequacy of training, while three did not. Two said that training was not adequate; one said that the lack of training was a major problem, while the other said that the training program was a "make do" system. The

other three said that training was adequate but each had reservations. Two said that training was adequate only because the inspectors in their state have spent a considerable amount of their time on animal welfare work; one of the two said that he would be concerned about the lack of available courses if new employees were hired. The third who said that training was adequate still said that more training should be provided.

Of the four area veterinarians-in-charge or assistant area veterinarians-in-charge who expressed opinions--four did not express opinions--as to the adequacy of written guidance, two believed it was adequate, but had reservations, while the other two said it was inadequate. One of the two who believed guidance was inadequate said that APHIS' guidance was not regularly issued in writing and in those instances when it was written it appeared only in correspondence between headquarters and individual field offices. The other said that the standards are too broad to be properly applied in all situations, and they do not distinguish between types of facilities; he said that a manual was needed. One who believed the guidance was adequate also said that the standards were too broad and left too much room for interpretation and noted that a manual would be helpful, while the other said the guidance was adequate only because the inspectors in his state have spent enough time on animal welfare to be thoroughly acquainted with the program. One area veterinarian-in-charge and one assistant area veterinarian-in-charge who did not express an overall opinion on the adequacy of written guidance did comment that some of the standards are too broad.

Twenty-one of the 29 inspectors interviewed said that they believed their training had been adequate, but 8 of the 21 qualified their opinions. Three of these said their training was adequate only because they had experience in working with animals; they were concerned that training would not be adequate for new hires. Three others expressed a desire for more training and two said that the training should have been given earlier, that is, when they first started to work on animal welfare. Six of the eight inspectors who believed their training was not adequate said that more training was needed, one said that the courses should be more thorough and professional, and one did not cite a specific complaint. For example, one inspector said that more training courses were important, especially for new staff, to help assure more uniformity in making inspections and applying the standards and that refresher courses were needed because policies and priorities change from time to time. Another inspector said that more training courses, especially relating to research facilities, would help inspectors by providing a general understanding of and background on how to interpret and apply the standards.

Nineteen inspectors gave opinions--the other 10 did not--on the adequacy of the written guidance they had received--9 said that it was adequate while 10 said that it was not. The most common complaint about the guidance was that the standards were too broad. This view was expressed by seven of the inspectors who believed the guidance was inadequate as well as by five inspectors

who said that the guidance was adequate. Two of the remaining three inspectors who said that the guidance was inadequate said the written guidance was difficult to understand, while the third said that he did not receive any memorandums on animal welfare. Seven of the inspectors expressed a need for a field manual to help in interpreting the animal welfare standards.

Many of the inspectors who said that the standards were too general noted that the lack of specificity in the standards means that inspectors have to use a great deal of judgment to interpret them, which can lead to inconsistent application of the standards. For example, one inspector said that the standards state that lighting and ventilation should be adequate but do not specify what is to be considered as being adequate; he also said that it is hard to apply the same standards to the different types of facilities that have to be inspected. Another inspector noted that the standards do not specify what really is a good facility and that conditions at facilities inspected vary too much to apply the standards equitably and consistently. The specific standard that was most often cited--by seven inspectors--as an example of a standard that is difficult to interpret was the one covering interior surfaces of indoor facilities. This standard applies to dogs and cats, guinea pigs and hamsters, rabbits, and nonhuman primates and states that "interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized." Two inspectors cited the fact that some dealers have animal runs that have the ground as their floors, while other dealers have runs with concrete floors. They said that inspectors have to use their judgment to decide whether bare ground is acceptable as a surface and that some inspectors would consider it to be acceptable while other inspectors might not.

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The extent of training varied considerably among the six area offices we visited. Formal training for inspectors has not been extensive since 1980 and about half of the officials and inspectors who offered their opinions either felt that the training was inadequate or had reservations about its adequacy. Similarly, most of those interviewed had problems with the adequacy of the written guidance given to inspectors. The most common complaint was that the animal welfare standards are too broad, which required the inspectors to use a great deal of judgment when applying the standards during inspections. In the absence of any agency criteria on the level of training required for inspectors, we have not reached any conclusions as to the adequacy of the existing level of training.

AGENCY COMMENTS

In commenting on a draft of this report (see app. V), USDA said that APHIS headquarters had decided to reinstate training at the national level. It said that the first national course was

held in fiscal year 1984 to train area office animal care coordinators so they could train the personnel in their respective areas. USDA said that two additional courses have been given to veterinary medical officers who inspect research facilities and two other courses are planned for the current fiscal year; a training course on marine mammals is also planned. USDA said that the reestablishment of formal training at the national level will provide the additional training that the inspectors require.

USDA said that it did not believe that the comments on written guidance that inspection personnel had given to us were entirely valid. It said that, in some instances, regulations and standards are purposely written in broad terms to allow some lattitude in interpreting them. Inspectors are responsible for being familiar with the regulations and standards and understanding their intent, according to USDA. USDA noted that inspectors have been encouraged to bring unusual situations to the attention of experienced and knowledgeable personnel for advice. USDA said that the field manual consolidating all of the guidelines and other pertinent information relating to the enforcement of the Animal Welfare Act will be issued during the third quarter of fiscal year 1985.

CHAPTER 3

FREQUENCY AND SCHEDULING OF INSPECTIONS

The Animal Welfare Act does not require a certain inspection frequency or coverage, and APHIS has no written policy for scheduling inspection visits. Scheduling is generally left to the discretion of individual inspectors. During fiscal year 1983, the sites were inspected 1.70 times on average in the six states we reviewed, but the average frequency varied considerably among the six states. However, many sites were not inspected at all during the year, ranging from 6.4 percent in Kansas to 48.7 percent in New York, and 51.7 percent in California; but there were reasonable explanations for most of the sites not inspected in Iowa, Kansas, and Missouri.

FREQUENCY OF SITE INSPECTIONS DURING FISCAL YEAR 1983

During fiscal year 1983, sites were inspected 1.70 times on average in the six states we reviewed. There were wide variations in the frequencies among the six states, however, ranging from .72 in California to 2.41 inspections per site in Kansas and 2.45 in Texas. Many of the inspections in Texas, however, were incomplete.

As shown in the following table, the frequency of compliance inspections during fiscal year 1983 varied greatly among the six area offices. More complete data showing the number of sites and the number of inspections are contained in appendix I.

	Average number of inspections per site					
Area office	Dealers	Research facilities	Exhibitors	Weighted average excluding carriers/handlers[a]	Carriers/ handlers	Weighted average
California	.72	.66	.93	.75	.26	.72
Iowa	2.49	1.35	2.31	2.40	1.46	2.38
Kansas	2.48	1.49	1.36	2.40	2.71	2.41
Missouri	1.59	.97	.95	1.50	.26	1.44
New York	.81	.68	1.05	.76	.62	.74
Texas	1.63	1.17	1.64	1.49	5.42[b]	2.45
Six-office weighted average	2.02	.82	1.19	1.61	2.86[b]	1.70

[a]The overall statistics on compliance inspections that APHIS presents in its annual reports to the Congress on animal welfare enforcement exclude inspections at carriers and intermediate handlers.

[b]The great majority of carrier/handler inspections shown for Texas covered incomplete inspections where no animals were present at the time of the visit.

In compiling our statistics on inspection frequency, we excluded, to the extent possible, inspection visits where no inspection was made because no one was at the site at the time of

the visit or no animals were present when the visit was made. Because of the way in which the New York and Texas area offices listed their inspections, we were not able to exclude all incomplete inspections in those states.

APHIS' desired inspection frequency

APHIS has not formally established a criteria for the level of inspection activity that would be needed for an effective enforcement program. We did note that APHIS' internal work plans contain information on what APHIS personnel consider to be a desired level of inspection activity. We also obtained opinions from many of APHIS' animal welfare personnel as to what they considered the desired level of activity to be. There was some variation among different years' internal work plans and among the people interviewed, but four inspections per site per year was most often cited as the desired inspection level.

Each fiscal year APHIS prepares long-range work plans that show inspection activity during the subsequent fiscal years. In its fiscal year 1981 plans, APHIS projected a request for increased funding in fiscal years 1982 and 1983 to return to the fiscal year 1980 inspection level of 4 times per year for dealers and exhibitors, 3 times per year for research facilities, and 24 times per year for carriers and intermediate handlers. APHIS projected a further request for additional funding for fiscal years 1984-86 to increase inspection frequency to 6 times per year at all licensees and registrants except carriers and handlers, for which the frequency was to be 36 per year. APHIS said that this was "the level of activity established as a goal for an effective enforcement program." APHIS' fiscal year 1982 work plan, as revised on January 8, 1982, stated that the average inspection frequency for sites, excluding carriers, should not exceed 3 times for that year, but it did not show following years' projections.

Even though USDA's budget request for fiscal year 1983 proposed that inspections be eliminated, APHIS' fiscal year 1983 plans stated that an inspection rate of at least 4 times per year was desired for fiscal years 1984-88. USDA's fiscal year 1984 budget request again proposed that inspections be eliminated. APHIS' long-range plan, which was prepared in July 1983, showed a planned level of inspections for fiscal years 1985-87 but did not state what the desired level would be. The planned level for fiscal year 1985 was two inspections for dealers, exhibitors, and research facilities plus reinspections of most problem facilities and limited inspection of carriers and intermediate handlers at selected major airports. The planned level for fiscal years 1986 and 1987 was three inspections per year for all dealers, exhibitors, and research facilities plus reinspections of problem facilities and regular inspections of carriers and intermediate handlers at selected major airports.

We obtained opinions on the desired level of site inspections from a wide range of APHIS personnel involved in the Animal Welfare Program--the top officials in 1 regional office, 2

regional animal care specialists, 8 area veterinarians-in-charge or assistant area veterinarians-in-charge, 17 inspectors, and 3 compliance officers. There was some variation in the desired frequencies cited, but most of them believed that, on average, about four inspections per year for all facilities would be the level for an effective program.

SITES NOT INSPECTED DURING FISCAL YEAR 1983

A large percentage of sites were not inspected by the six area offices during fiscal year 1983, as shown in the following table. More detailed statistics are shown in appendix I.

	Percent of sites not inspected					
Area office	Dealers	Research facilities	Exhibitors	Total excluding carriers/handlers	Carriers/ handlers	Total sites
California	55.5	52.4	42.9	50.3	74.3	51.7
Iowa	8.7	3.2	6.3	8.3	69.2	10.0
Kansas	5.6	12.8	13.6	6.2	14.3	6.4
Missouri	21.7	12.1	54.5	21.8	25.9	22.0
New York	48.4	50.0	33.3	47.1	64.3	48.7
Texas	0.7	-	8.4	2.4	45.4	13.0
Weighted average for six offices	14.7	37.7	31.0	22.6	50.2	24.5

The California, New York, and Texas area offices attributed the large percentage of uninspected sites in those states primarily to budgetary constraints. The New York area office also cited personnel shortages as a major reason for the uninspected sites. The overall percentages of uninspected sites in Iowa and Kansas were rather low and, in our opinion, there were reasonable explanations for not inspecting the sites. There were reasonable explanations, in our opinion, for most of the uninspected sites in Missouri, but 44 sites (9 percent of the sites) were not inspected through oversight. Each of the six states is discussed below.

California

The area veterinarian-in-charge said that about half of the sites in California were not inspected because the area office did not receive enough money to conduct more inspections. He added that research facility inspections in southern California were far behind schedule because of problems with the turnover of veterinary medical officers in the Los Angeles district. He also said that air carriers were inspected less frequently because he has found that carrier inspections are not very productive and so the area office concentrated its efforts on the two major airports in San Francisco and Los Angeles and to a limited degree on the San Diego airport.

Iowa

Except for carriers and handlers, only a relatively small percentage of sites were not inspected during fiscal year 1983. The most common reasons for noninspections were that the facility was newly licensed during the year (mostly in the last quarter) or the facility's license was cancelled during the year (mostly in the first quarter). The area office had attempted to inspect all nine noninspected carriers during July or August 1983, but the inspections could not be completed because no one was at the site or no animals were present.

Kansas

Thirty-five of the 50 sites not inspected during fiscal year 1983 were facilities that cancelled their license or registration during the year, most of them in the first quarter. The area office had attempted to inspect 10 of the remaining sites, but no one was at the site or no animals were present when the visit was made.

Missouri

One hundred thirty-seven sites, or 22 percent of the total, were not inspected during fiscal year 1983. Thirty-eight of these sites were newly licensed during the year, and 49 other sites cancelled or terminated their licenses during the year. The area office attempted to inspect another six sites, but no animals were present at the time of the visit. There were no inspections or attempted inspections for the remaining 44 sites (9 percent of the sites in the state), all of which were active during the whole year. The area veterinarian-in-charge told us that the inspectors had been told to inspect all facilities. He and the assistant, who is the animal care coordinator, said that they had not used the area office's inspection log to monitor inspection coverage but had relied on the inspectors and they had not realized that so many sites were not inspected. The veterinarian-in-charge and his assistant said that they will implement procedures for stricter control of inspection coverage.

New York

Of the 219 uninspected sites, the area office had attempted to inspect 30 sites but no one was at the site or no animals were present at the time of the visit, 4 sites were licensed during the year, and 14 sites were cancelled or terminated during the year. The area veterinarian-in-charge and the assistant area veterinarian-in-charge (the animal care coordinator) cited funding problems and personnel shortages as the reasons for the large percentage of uninspected sites in New York.

The coordinator said that changes in funding levels during fiscal year 1983 meant that plans for scheduling animal welfare work had to be changed several times and the area office was never quite sure when funds would be available. However, the area

veterinarian-in-charge and the coordinator also said that, apart from any funding problems, a shortage of inspectors was holding down the level of inspections. The area veterinarian-in-charge said that the area office could not have inspected all sites no matter what the funding level was because the office does not have enough people to do the job. He said that he has not asked for more personnel because APHIS has imposed personnel ceilings, and he noted that even a veterinary medical officer who died in 1982 has not been replaced.

Veterinary medical officers generally do the inspections at research facilities, zoos, and other large exhibitors. Most of the sites in New York are research facilities. According to the coordinator, the New York area office has 10 veterinary medical officers, but six of these are permanently assigned as import and export inspectors at ports, leaving four available for animal welfare work. Moreover, he said that one of the four was detailed to several assignments during fiscal year 1983, leaving three medical officers to handle animal welfare work among their other duties. Of the two animal health technicians assigned to animal welfare work on September 30, 1983, one said he can devote very little of his time to animal welfare work because of the requirements of his job as a port inspector while the other had been on maternity leave for some time.

Texas

Only eight sites, excluding carriers and handlers, were not inspected during fiscal year 1983; one of these was a broker who had no animals during the year, while the other seven were traveling exhibitors. The remaining 49 sites with no inspections or attempted inspections were carriers. The assistant area veterinarian-in-charge told us that APHIS headquarters had directed that carrier inspections be limited to the three major airports in the state, as a budgetary decision, under the rationale that airlines flying out of the smaller airports would go through the major airports. He said that the area office did occasionally make inspections at some of the smaller airports when convenient.

SCHEDULING OF INSPECTIONS

Scheduling routine inspection visits is generally left to the discretion of the individual inspectors, subject to general guidance issued by the area offices on the frequencies allowed by available funding. APHIS has no formal scheduling system. The inspectors said that they schedule their visits based on their judgment and their knowledge of the sites subject to inspection, generally planning to make more frequent inspections of sites which have problems. As discussed in chapter 4, the inspectors are required to reinspect sites with major deficiencies within prescribed time frames.

All facilities licensed or registered under the provisions of the Animal Welfare Act are subject to inspection. According to area office officials, they use a variety of methods to identify

regulated facilities that have not been licensed or registered, including

--information supplied by humane groups or private citizens,

--inspection of records at facilities to determine the source of their animals,

--stories in the news media, and

--information obtained from state agencies.

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During fiscal year 1983, the sites in the six states we reviewed were inspected an average of 1.7 times, which is less than the frequency of 4 times per year that APHIS' program personnel generally consider to be the desired level and that is most often shown in APHIS' internal planning documents. The average frequency of inspections in the six states varied widely, and a large percentage of sites were not inspected at all during the fiscal year 1983, including about half of the sites in California and New York. The Animal Welfare Act does not specify any inspection frequency, nor does APHIS have a policy on what constitutes an adequate inspection frequency. Therefore, we have not reached any conclusions as to the adequacy of the frequency of inspections during fiscal year 1983 or on the reasonableness of the 4-per-year frequency that APHIS program people generally believe is a desired level.

AGENCY COMMENTS

In commenting on a draft of this report, USDA said that it had not anticipated the problems in inspection coverage, which we had identified in California and New York. It said that, when our work was being done, a national system was in place to track the total number of inspections made, but there was no national system to monitor the inspections at individual facilities. USDA said that the area offices had a system for monitoring inspections of individual facilities to ensure that all facilities are inspected at least once a year, but apparently the systems were not operating properly in the subject states. USDA said that instructions have been issued to the area offices that a tracking system must be in place and used to ensure that all facilities are inspected. USDA did not comment on the statements made to us by the California and New York area offices that they were unable to inspect more facilities because of funding and/or staffing limitations.

With respect to the desired level of inspection frequency, USDA said that a level of four inspections per year had been established as the proper frequency earlier in the program. It said that this frequency had not been mandated to allow inspectors latitude based on the compliance record of individual facilities. USDA said that a national average inspection frequency level of

2.5 times a year has since been established, because it was decided that routinely inspecting facilities with good compliance records four times a year was an ineffective and inefficient use of time. It also said that facilities with good records are supposed to be inspected at least once a year, with most of the inspection effort being given to problem and marginal facilities. According to USDA, it was not until the beginning of fiscal year 1984 that the lines of communication allowed these guidelines to be adequately disseminated to field inspection personnel.

CHAPTER 4

ACTIONS TAKEN TO FOLLOW UP ON DEFICIENCIES FOUND DURING INSPECTIONS

The six area offices we reviewed were generally complying with APHIS' policy requiring that deadlines for correcting major deficiencies be established and that reinspections be made within 30 days of the deadline date. We did find, however, some instances where required reinspections were not made within 30 days or were not made at all and where deadline dates for correction were not established.

The area offices generally complied with APHIS' policy requiring that apparent violation cases be prepared when reinspections show that major deficiencies have not been corrected and that such cases be submitted to headquarters within 60 days. We did find some instances where the area offices did not take timely action on uncorrected deficiencies. For example, an inspected site had several uncorrected deficiencies during many reinspections. One deficiency was not corrected until a year after it was first reported, but the area office never filed an apparent violation case.

APHIS headquarters generally (29 out of 34 cases) met the agency's 45-day processing goal for those cases that were closed by forwarding for prosecution to USDA's office of General Counsel, although a few cases took much longer. Of the 21 cases that were closed without forwarding for prosecution, 10 cases met the goal but 11 did not. APHIS took an average of 53 days to complete action on these cases.

APHIS distinguishes between major and minor deficiencies in its follow-up policy and provides that reinspections for minor deficiencies are to be made only to the extent allowed by available funds. The six area offices varied widely in how they handled minor deficiencies, ranging from not usually reinspecting minor deficiencies to reinspecting all minor deficiencies the same as major deficiencies and to not classifying deficiencies as major or minor but usually requiring immediate correction of deficiencies that were minor.

APHIS PROCEDURES FOR ACTING ON DEFICIENCIES FOUND DURING INSPECTIONS

APHIS defines a deficiency as the failure by a licensee or registrant to be in compliance with any standard or regulation at the time of inspection. Deficiencies are generally classified as major or minor. Major deficiencies are those which, due to their nature, would usually constitute a health or safety hazard to the animals involved, including those which, due to continuing neglect or advanced state of deterioration, constitute a safety or health

hazard on the date of inspection. Examples of major deficiencies include animals in obvious need of veterinary care, excessive fecal buildup indicating that weeks or months had passed since the last cleaning, and primary enclosures in an advanced state of structural disrepair. Minor deficiencies are those which, due to their nature, would not pose a safety or health hazard to the animals involved, including those that could potentially pose a safety or health hazard but are not observed in a severe or acute state on the date of inspection. Examples of minor deficiencies include inadequate records or animal identification, fecal buildup of no more than 2 days duration, and primary enclosures that contain a few loose wires.

Inspectors are required to document all deficiencies on inspection report forms, showing an explanation of the deficiency, recommendations for correction, and a deadline date for correction. The deadlines are supposed to be realistic and practical. The inspectors are supposed to categorize each deficiency as major or minor, but these categorizations are not to be shown on the copy of the inspection report given to the inspected facility.

APHIS' policy requires that major deficiencies be reinspected within 30 days after the deadline for correction. In April 1981, APHIS issued a notice that it was changing its policy on reinspections of minor deficiencies because of "severe budget restrictions." Before then, minor deficiencies had the same reinspection requirement as major ones. Under the revised policy, if an inspection discloses only minor deficiencies, reinspection will be made "only as program funds allow." If there are both major and minor deficiencies, the reinspection requirements are the same as for major deficiencies.

If the reinspection shows that a major deficiency has not been corrected, an alleged violation case is to be prepared unless an extension is granted. A time extension may be granted if justified in writing by the inspector and approved by the area veterinarian-in-charge. If a minor deficiency has not been corrected at the time of a reinspection, the inspector or compliance officer decides whether to prepare an alleged violation case.

To initiate an apparent violation case, the inspector prepares a report of alleged violation and documents all available evidence of the violation. The alleged violation report, the inspection report, and all documentation are then submitted to the area office. The area compliance officer reviews the case for completeness and accuracy and is accountable for obtaining necessary evidence. The completed case is to be submitted to APHIS headquarters within 60 days after the date of the violation (usually the date of the reinspection), unless assistance is needed from other area offices. In the latter situation, the initiating area is to request assistance within 30 days of the date of violation and the assisting area is to submit all necessary documents to the initiating area within 60 days after

receiving the request. The initiating area then has an additional 30 days to submit the completed case to headquarters.

Apparent violation cases submitted by the area offices are reviewed by the Interstate Inspection and Compliance Staff in APHIS Veterinary Service headquarters, which is to take action within 45 days after receipt of the case, unless additional information has to be requested. The staff can act by closing a case with a letter of information or warning, for lack of evidence, or with no action, or else it forwards the case to USDA's Office of General Counsel with a recommendation for prosecution.

Animal welfare violations are normally prosecuted through administrative proceedings adjudicated by administrative law judges. Prosecutions can result in monetary penalties, license suspensions or revocations, cease and desist orders, or a combination of these. The Animal Welfare Act also authorizes criminal penalties of up to 1 year in prison, a fine of up to $1,000, or both for violations. USDA's Deputy Assistant General Counsel told us that there have been no criminal cases in several years.

FOLLOW-UP BY AREA OFFICES ON REPORTED DEFICIENCIES

Based on our review of reports covering inspections at a sample of sites in the six area offices, we found that the area offices were generally taking follow-up action on reported deficiencies in accordance with APHIS' policy, although there were some instances where timely action was not taken on major deficiencies. We also found that the six area offices varied considerably in handling minor deficiencies. Kansas reinspected for minor deficiencies, Missouri usually required immediate correction of minor deficiencies, California and Texas reinspected for many minor deficiencies, and Iowa and New York did not reinspect for minor deficiencies. Appendix II contains details on our sample, and appendix IV contains a detailed discussion of what we found in each of the six area offices.

The California area office had reinspected 14 of the 18 sites with major deficiencies within 30 days of the deadline date for correction, one site was reinspected a few days late, and for three sites there was no evidence that the sites had been reinspected as of December 1983 even though more than 30 days had elapsed since the deadline dates. The area office did not act promptly to file an apparent violation case at one of the three sites where major deficiencies were uncorrected at the time of reinspection. Instead, it waited until another reinspection was made a month later, even though there was no evidence that an extension had been approved. We found that the area office reinspected many sites with minor deficiencies.

We found that the Iowa area office was complying with APHIS' policy on its follow-up of major deficiencies. The area office does not require that minor deficiencies be reinspected.

The Kansas area office reinspected the major deficiencies at 26 of 31 sites within 30 days of the deadline date; the reinspections at the other sites were from 5 to 64 days late. The office took proper action on four of the five sites that had major deficiencies when reinspected. The fifth site had major deficiencies in numerous inspections over the course of a year, but the area office did not submit an alleged violation case. The area office reinspects for minor deficiencies in the same way as for major deficiencies.

The Missouri area office reinspected 29 of the 31 sites with major deficiencies within 30 days of the deadline date; the reinspections at the other two sites were late by 8 days and 22 days, respectively. The office took reasonable action on the two sites where uncorrected deficiencies were found when reinspected--one site was being remodeled and an official of the other site submitted a letter of intent to correct the deficiencies, which was subsequently accomplished. The area office does not formally categorize deficiencies as major or minor; the area office sets correction deadlines for what it considers to be major deficiencies but usually requires immediate correction for deficiencies that it considers to be minor.

The New York area office reinspected 19 of 23 sites with major deficiencies within 30 days of the deadline date and had valid reasons for not reinspecting the other four sites. One of the sites was not reinspected because the site had disposed of its animals, one site already had a violation case pending for the same deficiency, and two sites were air carriers where the deficiencies involved specific shipments. The area office, however, did not prepare apparent violation cases on these deficiencies at the two carriers. The actions taken by the area office on the seven sites with uncorrected deficiencies when reinspected appeared reasonable. The area office submitted alleged violation cases on two sites, two sites subsequently corrected their deficiencies, the results of the reinspection were submitted as additional information on a pending violation case against one site, the compliance officer's investigation of one site showed that a deficiency did not really exist, and the deficiency at the last site was reclassified from major to minor. The area office generally did not reinspect sites that had only minor deficiencies.

The Texas area office did not specify deadline dates for correcting major deficiencies at three sites but did reinspect the sites. The area office established deadlines for major deficiencies at six sites (including one of the sites where no deadline had been established for a major deficiency found on a different inspection) and reinspected all six sites within 30 days of the deadline date. The area office submitted an apparent violation within 60 days of the reinspection for the one site with an uncorrected major deficiency. The area office also took follow-up action on many of the minor deficiencies.

DISPOSITION OF VIOLATION CASES SUBMITTED BY AREA OFFICES

Because there were relatively few violation cases submitted by the area offices in our sample of inspection reports discussed above, we used an expanded sample to determine what actions APHIS headquarters had taken on violation cases. We reviewed violation cases submitted by the six area offices to APHIS headquarters between July 1, 1982, and June 30, 1983. We also included cases with violation dates during that period but which were submitted later.

As of January 15, 1984, APHIS headquarters had closed 21 of the 56 cases we reviewed--letters of warning were sent in 16 cases, letters of information were sent in two cases, and three cases were closed because APHIS determined that no action was warranted. It took APHIS headquarters an average of 53 days to close each of these 21 cases, and the 45-day goal was met in 10 cases. With respect to the other 11 cases, APHIS took 193 days to close one of these cases with a letter of warning while the next longest time was 76 days.

With respect to the remaining 35 cases, one for which APHIS headquarters had requested additional information was still open as of January 15, 1984, 170 days after it was received. APHIS headquarters had submitted the other 34 cases to USDA's Office of General Counsel for prosecution; 29 of these cases were forwarded within APHIS' goal of 45 days. It took APHIS headquarters from 48 to 106 days to forward the other five cases.

Of the 34 cases submitted to the Office of General Counsel, 16 had been acted upon as of January 15, 1984. The dispositions of these 16 cases were as follows:

Action taken	Number of cases
Fines	5
Consent order	1
Order issued but case closed because licensee surrendered license	1
Combined with other pending cases	5
Returned to APHIS to send letter of warning	2
Returned to APHIS - minor violation	1
Closed because licensee found to be in compliance on later inspection	1
Total	16

The fines levied ranged from $100 to $1,500 (in a case involving two violations). Three of these cases on which fines were levied also resulted in cease and desist orders, and a fourth case also had a 14-day license suspension. The 16 closed cases took an average of 159 days from receipt by the Office of General Counsel, with the times ranging from 49 days (returned for a letter of warning) to 233 days (fine levied). As of January 15, 1984, 18 cases were still open; the average time since submission to the office was 238 days, and the individual times ranged from 109 days to 398 days.

CONCLUSIONS

The six area offices we reviewed were generally complying with APHIS' policy for acting on deficiencies found during inspections. APHIS headquarters was generally meeting the agency's time criteria for cases that were forwarded to USDA's Office of General Counsel for prosecution. APHIS headquarters took an average of 53 days for cases that were closed by actions other than forwarding for prosecution. This was only 8 days longer than the criterion of 45 days and the variance appeared to be minor.

AGENCY COMMENTS

In commenting on a draft of this report, USDA said that it had no major disagreements with our findings. It said that major deficiencies were corrected or alleged violations were initiated within established time frames in 95.2 percent of all cases nationally during fiscal year 1984.

CHAPTER 5

MATTERS FOR CONSIDERATION BY THE CONGRESS AND OBSERVATIONS ON PROGRAM ADMINISTRATION MATTERS

MATTERS FOR CONSIDERATION BY THE CONGRESS

Our detailed work was directed to reporting on practices involving inspectors' training, frequency of site inspections, and follow-up on deficiencies found at sites. As mentioned in prior chapters, we were told on numerous occasions that the level of funding for the Animal Welfare Program has affected the extent of training given to inspectors and the frequency of inspections of regulated sites. As mentioned in chapter 1, the Animal Welfare Program is only one of 19 animal health programs administered by APHIS and represents only 2.8 percent of the 1983 funds for such programs.

As part of an overall effort to cut APHIS programs, USDA had proposed for fiscal years 1983, 1984, and 1985 that funding for animal welfare inspections be reduced or eliminated and that states, industry groups, and humane societies take on more responsibility for enforcing animal welfare regulations. The Congress, however, has continued to fund the program at about the same levels as in prior years. The fiscal year 1986 budget proposes elimination of the program. The ultimate decisions as to the extent of the federal role in animal welfare enforcement and as to what constitutes the appropriate level of funding for the federal role will have to be made by the Congress.

If the Congress decides to continue funding the program, it should consider requiring the Secretary of Agriculture to recover more of the cost of the program from licensees, taking into account what the impact of any increases might be on them. Licensees paid fees of about $143,000 in fiscal year 1983, or about 3 percent of the funds appropriated for the program in that year.

During our work, we noted several additional areas that affect the program. These areas relate to monitoring of inspection quality, reporting of inspection statistics, and funding restrictions and budgeting in 1983. Although we did not examine these matters in depth, we are including the information in this report since these topics should be useful in future Animal Welfare Program assessments.

MONITORING OF INSPECTION QUALITY

APHIS has assigned responsibility to the area offices for evaluating the quality of the animal welfare inspection visits. APHIS has also required area office staff to review all inspection visit reports to ensure that the reports are properly completed, so that the maximum use can be made of the reports in determining sites' adherence to animal welfare standards.

Two of the six area offices we visited had established programs for monitoring inspection quality, and a regional office was performing that function for a third. The other three offices have not established such programs. Additionally, four of the area offices generally reviewed all inspection reports, while two offices reviewed only those reports that indicated deficiencies.

Responsibility for monitoring inspection quality

APHIS issued a memorandum in July 1978 assigning responsibilities to area offices for carrying out the animal welfare program. As part of this memorandum, area office compliance officers, who are responsible for investigating alleged violations of the Animal Welfare Act and submitting alleged violation reports for possible prosecution, were given responsibility for periodically working with animal health technicians on inspections of dealers to ensure uniformity in inspection procedures and proper completion of inspection reports. In April 1981, APHIS issued a memorandum directing the area offices to designate a person to review all inspection reports to ensure that each deficiency had been correctly categorized as major or minor.

On April 6, 1983, APHIS headquarters issued guidelines calling for the designation of an animal care coordinator in each area office and setting forth proposed duties and responsibilities of the coordinators. The coordinators are responsible for monitoring all procedures and activities related to the animal welfare program. Their duties include (1) reviewing inspection reports to assure that the reports are properly completed and (2) accompanying inspectors periodically to evaluate the quality of inspections. The area veterinarians-in-charge are the coordinators in the California and Iowa area offices, while the assistant area veterinarians-in-charge are the coordinators in the Missouri, New York, and Texas area offices. The area veterinarian-in-charge and the assistant share the responsibilities in the Kansas area office.

APHIS did not establish a system or procedures specifying how the coordinators were to carry out their responsibility for evaluating inspection quality. APHIS' Assistant Director, Animal Welfare Programs, told us that he had tried to develop a system for monitoring quality, but the area offices had rejected it.

Monitoring by area offices

Two of the area offices, Kansas and Texas, had programs for monitoring the quality of inspections in conjunction with providing on-the-job training. The quality of inspections by the New York area office was monitored by the Northern regional office under a program that also combined monitoring with on-the-job training. In the other three area offices--California, Iowa, and Missouri--neither the animal care coordinators nor the compliance officers accompanied inspectors to monitor quality, and their on-the-job training activities were not used as part of a program to monitor inspection quality.

With respect to reviews of inspection reports, two of the area offices, Iowa and Kansas, only reviewed inspection reports that showed deficiencies, while the other four area offices were generally complied with APHIS' policy to review all inspection reports.

A discussion of each area office's monitoring activities follows.

California

Neither the animal care coordinator nor the compliance officers accompanied the inspectors on inspections to periodically monitor inspection quality, as called for by APHIS' policy. The regional animal care specialist and area office veterinary medical officers accompanied inspectors on inspections to provide on-the-job training, but this was not done with all inspectors or as part of a program to monitor inspection quality.

We found that the area office generally complied with APHIS' policy calling for an area office review of all inspection reports. We reviewed 96 inspection reports and found that 92 had been reviewed (91 by the animal care coordinator and 1 by a compliance officer); four had no evidence of supervisory review.

Iowa

Neither the animal care coordinator nor the compliance officers accompanied the inspectors on inspections to monitor inspection quality, as called for by APHIS' policy. The regional animal care specialist and, in some cases, veterinary medical officers accompanied inspectors on inspections to provide on-the-job training, but this was not done as part of a program to monitor inspection quality. The animal care coordinator told us that he expects the veterinary medical officers to make some inspection visits with animal health technicians to evaluate the technicians' performance. We interviewed three of the eight technicians and only one said that a veterinary medical officer accompanied him on inspections and reviewed his inspection reports to evaluate his performance.

The animal care coordinator told us that he only reviews inspection reports that show major or minor deficiencies and does not review reports that do not show deficiencies. Our review of 285 inspection reports showed that he had reviewed 37 of the 41 reports that showed deficiencies and confirmed that he did not review reports that did not show deficiencies.

Kansas

According to the area veterinarian-in-charge and the assistant area veterinarian-in-charge, who share the duties of animal care coordinator, the area office has established a program of periodic oversight inspections whereby someone either accompanies an inspector on an inspection to review the inspector's work or independently reinspects an inspected site to compare results. This program is used to assure uniformity among inspectors and to identify the need for and provide specialized on-the-job training if an inspector appears to interpret regulations differently from other inspectors. The assistant area veterinarian-in-charge told us that he or a compliance officer performs the oversight inspections for sites inspected by veterinary medical officers. He said that each veterinary medical officer gets a list of five sites inspected by animal health technicians to reinspect each quarter. Each of the five inspectors we interviewed said that they are periodically accompanied on inspection visits or have their sites reinspected. The two veterinary medical officers confirmed that they are responsible for making quarterly reinspections of five sites inspected by animal health technicians.

Our review of 126 inspection reports showed that 80 of 81 reports showing deficiencies at the site inspected were reviewed by area office officials. Most of these reports were reviewed by the area veterinarian-in-charge, the assistant area veterinarian-in-charge, and the compliance officers. These officials generally did not review the inspection reports that showed no deficiencies at the site.

Missouri

Neither the animal care coordinator nor the compliance officers periodically accompanied the inspectors on inspections to monitor inspection quality, as called for by APHIS' policy. The regional animal care specialist accompanied inspectors on inspections to provide on-the-job training, but this was not done as part of a program to monitor inspection quality.

The senior compliance officer in Missouri told us that at one time he used to make unannounced inspections to compare his findings with what the inspectors had reported. He said, however, that some of the inspectors had complained to the area veterinarian-in-charge and, as a result, he was told not to make any more unannounced inspections without first obtaining permission from a veterinary medical officer with concurrence by the area veterinarian-in-charge.

The area veterinarian-in-charge said that the assistant area veterinarian-in-charge, who is the animal care coordinator, reviews every inspection report to ensure that standards are properly applied. We reviewed 186 inspection reports and found that only five had no evidence of supervisory review.

APHIS headquarters made two reviews of the animal welfare program in Missouri in October 1981 and March 1982. The first review was conducted over a 5-day period by a representative from APHIS headquarters and an area compliance officer. The review team's work included reviews of inspection reports and files and visits to 19 facilities with inspectors conducting routine inspections. The review team found many problems. For example, some inspection reports were not completed properly, some inspectors notified sites by telephone before making inspections, and there appeared to be considerable nonuniformity in the quality of inspections. Among the team's suggestions for solving the problems was one calling for better review of actual inspections in the field. The area veterinarian-in-charge submitted a detailed response, including corrective actions taken, to the regional director in December 1981.

The second headquarters review, which was requested by the regional director, was a limited 1-day visit. The reviewer concurred with and endorsed the changes to improve the program proposed by the assistant area veterinarian-in-charge, for example, having the regional animal care specialist train all inspectors in inspection procedures. The reviewer also made several suggestions, such as to clarify the policy on granting extensions to sites that have not corrected deficiencies by the required due date. The report did not specifically address the status of each of the findings and suggestions contained in the October 1981 report.

New York

According to the regional animal care specialist and other officials of the Northern regional office and the New York area office, the animal care specialist monitors the animal welfare program during periodic reviews of the area offices by reviewing records and accompanying inspectors on inspections. During fiscal years 1982 and 1983, the specialist submitted reports on the results of her reviews to the New York area veterinarian-in-charge in November 1981, January 1982, March 1982, May 1982, and November 1982. The reports included the specialist's observations on the quality of the inspectors' performance and noted the suggestions she gave to the inspectors for improving their performance (on-the-job training).

Our review of 121 inspection reports showed that most of the reports had been reviewed; 13 reports (including 6 which reported deficiencies), or 10.7 percent, showed no evidence of supervisory review. The usual reviewer of the reports was the assistant area

veterinarian-in-charge, who is the animal care coordinator; the area veterinarian-in-charge signed the other reports which had evidence of supervisory review.

Texas

The Texas area office has a program for monitoring inspection quality. According to the assistant area veterinarian-in-charge, who is the animal care coordinator in Texas, an area compliance officer accompanies inspectors on inspections to improve the quality of their inspections as part of the on-the-job training for inspectors, and the compliance officer furnishes the area office with written evaluations of the inspectors' performance. The coordinator said that there is no set schedule for the compliance officer's visits and that they are scheduled to fit in with the compliance officer's visits to parts of the state on other business. The coordinator said that the regional animal care specialist also provides written evaluations of inspectors' performance when he provides on-the-job training to inspectors.

Both the compliance officer and the regional animal care specialist confirmed their responsibilities for accompanying inspectors on inspections and for evaluating the inspectors' performance. The compliance officer said that he evaluates each inspector at least once a year. The regional specialist also made a review of the animal welfare program in Texas during January 1983. He reviewed the area office's records and held discussions on policies and procedures. The specialist's report was generally favorable, except for a major problem of "poor quality inspections due to lack of knowledge or lack of motivation."

We reviewed 49 inspection reports and found that all except 1 had been reviewed by the assistant area veterinarian-in-charge. The one unreviewed report covered an inspection where the inspector was accompanied by the compliance officer.

APHIS' REPORTED INSPECTION STATISTICS

Area offices collect inspection statistics and submit them to APHIS headquarters for headquarters use in its management activities and for APHIS' annual report to the Congress. The area offices computed inspection results differently and the reported results are not comparable. We also noted that the reported statistics did not agree with the number of inspections we computed from the area office records.

Inspection statistics were not computed on a comparable basis by the area offices

Inspectors are unable to complete an inspection if there is no one at the site or if no animals subject to regulation are

present when the attempt to inspect is made. Each of the six area offices included at least some of these incomplete inspections when compiling data on their work accomplishments, but they differed as to which incomplete inspections were included.

The area offices submit monthly reports to APHIS headquarters showing the work accomplished during the month and for the fiscal year to date. The inspection statistics in these area office reports are used in APHIS' annual reports to the Congress on animal welfare enforcement and are used by APHIS headquarters for measuring area office accomplishments and cost allocation purposes.

Three of the six offices--California, Iowa, and New York--included all incomplete inspections (including no one at the site and no animals present) in their work counts while the Kansas and Texas offices excluded incomplete inspections where no one was at the site when the visit was made. The Missouri area office included all incomplete inspections at carriers/handlers but excluded them from the counts for other types of facilities.

The types of incomplete inspections which the area offices include in their statistics accounted for a significant portion of total inspection visits in New York and Texas and for a significant portion of inspection visits to carriers and intermediate handlers in five of the six states.

In California and Iowa, which include all incomplete inspections in their inspection statistics, the primary effect was on carriers and handlers where incomplete inspections accounted for 69.0 percent and 34.5 of the totals, respectively, during fiscal year 1983. In Kansas, there were only a negligible number of incomplete inspections where no animals were present during fiscal year 1983. The attempted inspections of carriers and handlers in Missouri accounted for 84.4 percent of fiscal year 1983 carrier/handler inspection visits, but total incomplete inspections were only 5.0 percent of total inspection visits.

We were not able to readily compute the incomplete inspections in New York and Texas during fiscal year 1983 because of the way those area offices recorded their inspections. However, we did obtain statistics on incomplete inspections for the sample of inspections made between July 1, 1982, and June 30, 1983, which we used for our work on follow up of deficiencies (see ch. 4). We found that in New York, incomplete inspections accounted for 19.3 percent of the total inspection visits in our sample, including 26.3 percent of dealer visits and 69.2 percent of carrier/handler visits. The incomplete inspections where no animals were present in our Texas sample accounted for 87.6 percent of the carrier/handler visits but only 5.7 percent of total visits.

We discussed the reporting inconsistencies with the Assistant Director, Animal Health Programs, of APHIS' Veterinary Services.

He told us that the area offices are not supposed to report visits where no one was at the site and he said that a letter would be sent to the area offices to clarify this. This action could help assure that the area offices' statistics are computed on a comparable basis, but the statistics would still include some incomplete inspections because visits where an inspection could not be completed because no animals were present would still be reported as inspections.

APHIS' inspection statistics did not agree with area office records

We found that the numbers of fiscal year 1983 inspections, which the six area offices reported to APHIS headquarters and which were shown for compliance inspections in APHIS' fiscal year 1983 annual report to the Congress, did not agree with the numbers of inspections that we computed from the area offices' inspection records.

In attempting to reconcile the reported statistics with the area offices' records, we computed the numbers of inspections using the same basis for each office as the office used when reporting its statistics. For example, we included all incomplete inspections in California, Iowa, and New York. This was done so that we would be comparing statistics that should be comparable.

The total number of inspections reported by the Iowa, Kansas, and Missouri offices was reasonably close to our computations. Iowa's reported total was 3.2 percent less than our computation, Kansas' reported total was 4.0 percent more, and Missouri's reported total was 6.3 percent less. There were, however, some fairly large differences for some types of facilities: Iowa reported 17.2 percent more carrier/handler inspections (34 vs. 29) than we computed, Kansas reported 19.4 percent more research facility inspections (74 vs. 62) and 21.1 percent more carrier/handler inspections (46 vs. 38) than we computed, while Missouri reported 21.9 percent fewer research facility inspections (50 vs. 64) than we computed. The California area office reported that it made a total of 624 inspections, which was 24.1 percent more than our computation of 503 inspections. The differences in the California numbers ranged from 13.3 percent for research facilities to 82.8 percent for carriers/handlers. The differences between our computations and the numbers reported by the New York and Texas offices were minor for dealers, research facilities, and exhibitors, but there were large differences in the numbers for carrier/handler inspections. New York reported 235 carrier/handler inspections as compared to our total of 34 such inspections. Texas reported 758 carrier/handler inspections, which was 29.6 percent more than our computation of 585 inspections.

FUNDING RESTRICTIONS AND BUDGETING IN FISCAL YEAR 1983

APHIS restricted animal welfare activities for much of fiscal year 1983 because of concern that it might have to reprogram funds to meet other APHIS program needs. This action reduced the number of inspections that the area offices were able to make during the year. APHIS' allocation of available 1983 funds among the area offices was based on the prior year's work level without adjustment for estimates of current workloads in the area offices which led to variations in inspection coverage among the area offices.

APHIS' program restrictions during fiscal year 1983

The number of animal welfare inspections during fiscal year 1983 was held down by APHIS' decision to tentatively allocate a part of the program's funds for much of the year for possible use in other programs. When APHIS released funding near the end of the year, it was too late to use all available funds for animal welfare work.

In late October 1982, after enactment of a continuing resolution providing funding through December 1982, APHIS Veterinary Services tentatively allocated funds to the regional and area offices for the period October 1 through December 31, 1982, which provided funding for the Animal Welfare Program at the level of fiscal year 1982 costs.

After the fiscal year 1983 appropriation act was enacted, APHIS became concerned about possible shortfalls in some of its other activities, for example, user fee shortages in agricultural quarantine inspection and import-export work, the Medfly program in California, and the African swine fever program. APHIS identified several programs as possible sources of funding if reprogramming became necessary to cover the potential shortfalls. The Animal Welfare Program was one of the identified candidates for reprogramming in the amount of $1.5 million.

In January 1983, APHIS informed the area offices that funding was approved to cover animal welfare work up to 80 percent of the fiscal year 1982 level instead of the earlier tentative allocation of 100 percent of the 1982 level. On June 13, 1983, APHIS headquarters notified the regional directors that full funding was restored to the Animal Welfare Program and that all area offices were to immediately increase field activity to the fiscal year 1982 level. APHIS provided the following guidance on inspections to be made:

--Maintain inspections at marginal or problem facilities.

--Inspect all licensees and registrants that had not been inspected at least once during the year.

--Increase airport surveillance and inspections at major airports.

APHIS estimated that the restoration of funding late in the year would result in increased funding for field work with a projected end-of-year surplus of $650,000. In September 1983, APHIS determined that the workload had not increased to the extent anticipated earlier. APHIS then allocated $697,000 of its animal welfare funding for purchasing vehicles during the year to reduce the estimated surplus.

The fiscal year 1983 appropriation act provided APHIS with a lump sum appropriation for expenses necessary to prevent, control, and eradicate pests and animal and plant disease. The fiscal year 1983 appropriation also made USDA appropriations available to purchase, in addition to those specifically provided for, not to exceed 713 passenger motor vehicles. Accordingly, APHIS' allocation of $697,000 for vehicle purchases appears to be permissible.

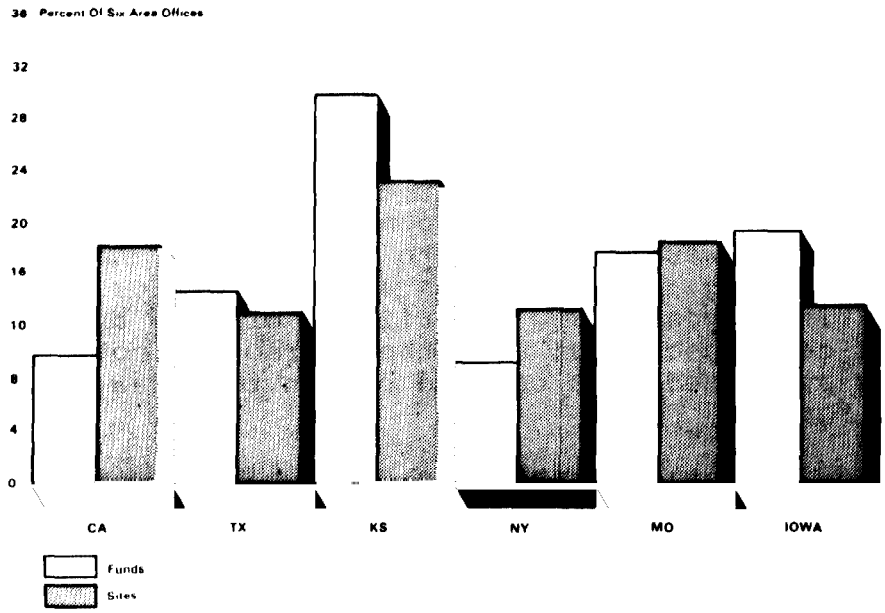
APHIS' allocation of available funds among the area offices

APHIS' allocations of fiscal year 1983 funds among its area offices were based on fiscal year 1982 work levels rather than on estimates of the current potential workloads, such as the number of sites of licensees and registrants which the area offices have to inspect and the severity of expected problems. As a result, the funds available to the six area offices did not correspond to their relative shares of sites to be inspected, which was a cause of the wide variations in inspection coverage among those offices (see ch. 3).

We noted that the relative shares of active licensees and registrants in the six area offices varied from year to year. For example, California's percentage of total licensees and registrants in the six area offices increased each year since fiscal year 1978, the earliest year for which we obtained data. In fiscal year 1978, California had 10.6 percent of the six-office total and its share had increased to 15.7 percent, 17.0 percent, and 17.8 percent in fiscal years 1981, 1982, and 1983, respectively. Similarly, Kansas' share decreased each year over the same period, going from 34.6 percent in fiscal year 1978 to 29.6 percent, 28.1 percent, and 25.6 percent in fiscal years, 1981, 1982, and 1983, respectively. The shares for the other four area offices also varied over the period.

To see whether the funds allocated to the six area offices we reviewed bore a relationship to the number of sites subject to inspection in those offices, we compared each office's percentage of the total fiscal year 1983 funds for the six offices overall with each office's percentage of the overall total sites subject to inspection in those states. The funding amounts used were the total costs shown for the APHIS field work account, which includes inspection work. As shown in the following chart, there were considerable variations between funds and sites in the six area offices.

Relationship Of Funds And Sites
Fiscal Year 1983



The disparities between share of sites subject to inspection and available funds shown in the chart directly correspond with the variations in inspection frequencies shown in chapter 3. The funding levels for California and New York were low in relation to the number of sites, and those two offices had the lowest inspection frequencies. Funding and sites were more evenly balanced in Missouri and Texas,[1] and frequencies in those two offices were in the middle of the range. Funding levels for Iowa and Kansas were high in relation to the number of sites, and those offices conducted the most frequent inspections.

AGENCY COMMENTS

In reviewing the report, USDA did not comment on our position regarding the need for an overall program assessment. USDA did, however, address our concerns on (1) monitoring of inspection quality, (2) reported inspection statistics, and (3) funding restrictions and budgeting.

Monitoring of inspection quality

In commenting on a draft of this report, USDA said that animal care coordinators were appointed in fiscal year 1983 for the

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[1]While Texas had the highest number of inspections per site, many included incomplete inspections where no animals were present at the time of the visit. When these are considered, then Texas and Missouri are roughly comparable.

explicit purpose of monitoring the program, including evaluating the quality of inspections. USDA said that a system was established in fiscal year 1985 under which area veterinarians-in-charge are required to submit documented evaluations of the program and will be held accountable for any problems identified for which corrective actions have not been taken. This system relies on actual observations and evaluations of inspections made by individual inspectors. USDA said that, in addition, a team approach concept was started in fiscal year 1984 to evaluate the quality of inspections in selected areas with high concentrations of research facilities. Under this concept, the six regional animal care specialists were divided into three teams that accompanied inspectors during inspections in six area offices, including New York. In fiscal year 1985, a variation of this approach, using one animal care specialist and other personnel not assigned to the area being evaluated, was carried out in two area offices, including California.

APHIS' reported inspection statistics

USDA said that APHIS agreed that there was a problem regarding inconsistency of reporting by individual area offices. It said that the reporting system has since been changed to establish a separate reporting category for inspections that could not be completed, which should provide for a more accurate tabulation of inspection statistics. USDA did not comment on the differences we had found between the numbers of inspections shown in the area offices' inspection records and the numbers reported to APHIS headquarters.

Funding restrictions and budgeting in fiscal year 1983

USDA said that APHIS agreed that our report was accurate regarding funding during fiscal year 1983, although APHIS' intent has been to evenly disburse funds over the entire year. USDA noted that there are factors that affect the distribution of program funds, as was the case in fiscal year 1984 when many inspectors were detailed to work on eradicating avian influenza in Pennsylvania and Virginia.

USDA said that fund allocations to states are based on workload as determined by the area veterinarian-in-charge using national guidelines on the frequency of inspections. According to USDA, these guidelines had historically placed more emphasis on inspecting animal dealers, but that beginning in fiscal year 1984, and to a greater extent in fiscal year 1985, emphasis has been placed on inspecting research facilities. USDA noted that California and New York have considerably more research facilities than dealers to inspect; therefore, the change in emphasis has redistributed funds accordingly.

SCHEDULE SHOWING FREQUENCY OF INSPECTIONS

AND NUMBER OF SITES NOT INSPECTED FOR

THE SIX AREA OFFICES WE REVIEWED

FISCAL YEAR 1983

Area office	Dealers	Research facilities	Exhibitors	Subtotal	Carriers/ handlers	Total
California						
Number of sites	128	288	168	584	35	619
Number of inspections	92	189	156	437	9	446
Inspections per-site	.72	.66	.93	.75	.26	.72
Number of sites not inspected	71	151	72	294	26	320
Percent of sites not inspected	55.5	52.4	42.9	50.3	74.3	51.7
Iowa						
Number of sites	401	31	16	448	13	461
Number of inspections	997	42	37	1,076	19	1,095
Inspections per-site	2.49	1.35	2.31	2.40	1.46	2.38
Number of sites not inspected	35	1	1	37	9	46
Percent of sites not inspected	8.7	3.2	6.3	8.3	69.2	10.0
Kansas						
Number of sites	712	39	22	773	14	787
Number of inspections	1,769	58	30	1,857	38	1,895
Inspections per-site	2.48	1.49	1.36	2.40	2.71	2.41
Number of sites not inspected	40	5	3	48	2	50
Percent of sites not inspected	5.6	12.8	13.6	6.2	14.3	6.4

Area office	Dealers	Research facilities	Exhibitors	Subtotal	Carriers/ handlers	Total
Missouri						
Number of sites	508	66	22	596	27	623
Number of inspections	808	64	21	893	7	900
Inspections per-site	1.59	.97	.95	1.50	.26	1.44
Number of sites not inspected	110	8	12	130	7	137
Percent of sites not inspected	21.7	12.1	54.5	21.8	25.9	22.0
New York						
Number of sites	62	280	66	408	42	450
Number of inspections[a]	50	190	69	309	26	335
Inspections per-site	.81	.68	1.05	.76	.62	.74
Number of sites not inspected	30	140	22	192	27	219
Percent of sites not inspected	48.4	50.0	33.3	47.1	64.3	48.7
Texas						
Number of sites	142	106	83	331	108	439
Number of inspections[a]	232	124	136	492	585[b]	1,077
Inspections per-site	1.63	1.17	1.64	1.49	5.42	2.45
Number of sites not inspected	1	-	7	8	49	57
Percent of sites not inspected	0.7	-	8.4	2.4	45.4	13.0

Area office	Dealers	Research facilities	Exhibitors	Subtotal	Carriers/ handlers	Total
Total for six area offices						
Number of sites	1,953	810	377	3,140	239	3,379
Number of inspections	3,948	667	449	5,064	684	5,748
Inspections per-site	2.02	.82	1.19	1.61	2.86	1.70
Number of sites not inspected	287	305	117	709	120	829
Percent of sites not inspected	14.7	37.7	31.0	22.6	50.2	24.5

[a]Includes some inspection visits where the inspections were not completed because no one was at the site or no animals subject to regulation were present.

[b]The great majority are inspection visits where no animals were present.

STATISTICS ON SAMPLE OF INSPECTION REPORTS

REVIEWED TO DETERMINE APHIS' FOLLOW-UP

ACTIONS ON DEFICIENCIES

JULY 1, 1982 THROUGH JUNE 30, 1983

Area office	Number of sites	Number of reports	Results of inspections: No deficiencies	Major deficiencies[a]	Minor deficiencies	Incomplete[b]	Unknown
California							
Dealers	21	37	21	4	12	-	-
Research facilities	53	80	36	16	25	1	2
Exhibitors	25	39	18	10	9	1	1
Carriers/handlers	1	1	1	-	-	-	-
Total	100	157	76	30	46	2	3
Iowa							
Dealers	91	271	227	5	29	10	-
Research facilities	4	8	5	-	3	-	-
Exhibitors	4	11	7	-	4	-	-
Carriers/handlers	1	5	5	-	-	-	-
Total	100	295	244	5	36	10	-
Kansas							
Dealers	92	378	210	56	13	99	-
Research facilities	5	14	7	4	2	1	-
Exhibitors	2	6	2	2	-	2	-
Carriers/handlers	1	4	4	-	-	-	-
Total	100	402	223	62	15	102	-
Missouri							
Dealers	85	179	120	41	9	9	-
Research facilities	7	15	13	2	-	-	-
Exhibitors	1	5	3	2	-	-	-
Carriers/handlers	7	28	3	-	-	25	-
Total	100	227	139	45	9	34	-
New York							
Dealers	15	19	9	4	1	5	-
Research facilities	58	82	57	13	6	6	-
Exhibitors	17	23	14	7	2	-	-
Carriers/handlers	10	26	5	3	-	18	-
Total	100	150	85	27	9	29	-

Area office	Number of sites	Number of reports	Results of inspections: No deficiencies	Major deficiencies[a]	Minor deficiencies	Incomplete[b]	Unknown
Texas							
Dealers	36	60	44	2	14	-	-
Research facilities	24	29	21	3	2	3	-
Exhibitors	22	33	18	6	5	4	-
Carriers/handlers	18	194	22	-	2	170	-
Total	100	316	105	11	23	177	-
Total for six area offices							
Dealers	340	944	631	112	78	123	-
Research facilities	151	228	139	38	38	11	2
Exhibitors	71	117	62	27	20	7	1
Carriers/handlers	38	258	40	3	2	213	-
Total	600	1,547	872	180	138	354	3

[a]Includes reports which showed both major and minor deficiencies.

[b]Attempted inspections where no one was at the site or no animals subject to regulation were present.

SUMMARY OF ANIMAL WELFARE STANDARDS

FACILITIES AND OPERATING STANDARDS

The facilities and operating standards cover general facilities requirements, indoor facilities, outdoor facilities, and primary enclosures.[1] The general facilities requirements cover structural strength for indoor and outdoor housing facilities, water and electric power, storage of food and bedding, waste disposal (including dead animals), and washrooms and sinks for caretakers. The standards are basically the same for all types of animals, except for marine mammals which have special standards.

The standards on indoor facilities cover heating, ventilation, lighting, interior surfaces, and drainage. The heating, ventilation, and drainage standards are different for different types of animals. For example, the ambient temperatures for hamsters and guinea pigs are not to be below 60 degrees Fahrenheit or above 85 degrees Fahrenheit while interior spaces for rabbits do not have to be heated. There are no drainage standards for rabbits or marine mammals. The lighting standards are the same for all animals. Interior surface standards are the same for all types of animals except marine mammals and "other" animals, for which there are no standards.

Outdoor facilities standards primarily relate to protecting the animals from sunlight, rain or snow, and cold weather. These standards are similar for the different types of animals except for marine mammals, which have special standards, and hamsters and guinea pigs. Hamsters are not to be housed in outdoor facilities; guinea pigs are not be housed outdoors unless located in an appropriate climate and prior approval is obtained from APHIS' Deputy Administrator for Veterinary Services. The standards also include drainage requirements for all types of animals except hamsters and guinea pigs and marine mammals. Outdoor housing facilities for rabbits must be fenced or otherwise enclosed to minimize the entrance of predators.

The standards for primary enclosures vary considerably among the different types of animals. The standards contain general requirements for the enclosures, such as easy access to food and water for most types, a suitable nest box for a female rabbit with a litter less than one month old, and a dry resting and social activity area for polar bears. The standards for "other" animals contain only general space requirements while the other standards contain specific space requirements for each type or species and,

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[1]Any structures used to immediately restrict animals to a limited amount of space, such as rooms, cages, or pools.

for some types, limits on the number of animals in a single primary enclosure. For example, each hamster 10 weeks or more old requires a minimum floor space of 15 square inches, with no more than 13 hamsters per enclosure.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

The animal health and husbandry standards cover feeding, watering, sanitation, facility employees, classification and separation of animals, and veterinary care. There are also standards for the handling of marine mammals and "other" animals.

The feeding standards generally provide that animals be fed at least once a day with food of sufficient quantity and nutritive value to meet the animals' normal daily requirements. There are also special provisions on feeding of guinea pigs and hamsters, marine mammals, and "other" animals. The watering standards specify the frequency with which water is to be provided for each type of animal except for the marine mammal standards which contain requirements on water quality in primary enclosures.

The sanitation standards specify frequency and methods for sanitizing the primary enclosures of each animal type, including special standards for marine mammals, and housekeeping and pest control requirements. The employee requirements are to have a sufficient number of employees to maintain the prescribed level of husbandry practices and such practices must be under the supervision of an animal caretaker with a background in animal husbandry or care. The marine mammal standards also require that training of the animals be done by or under the direct supervision of experienced trainers without physical punishment or abuse.

Classification and separation standards generally provide that animals housed in the same primary enclosure shall be maintained in compatible groups and contain restrictions on housing different species in the same enclosure. For example, dogs should not be housed in the same enclosure with cats and neither should be housed in the same enclosure with any other species of animals. There are also certain restrictions on housing animals of the same species with each other; for example, female dogs and cats in season (estrus) are not to be housed in the same enclosure with males except for breeding purposes.

In general, veterinary care standards require that each facility have a program for disease control and prevention, euthanasia, and adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine. The animals are to be observed periodically for disease or injury and animals with such conditions are to be provided with veterinary care or humanely disposed of unless such action is inconsistent with

research purposes. The standards also cover requirements for the use of anesthetic, analgesic, or tranquilizing drugs by research facilities. The standards for marine mammals and "other" animals also contain provisions covering the handling and display of these animals.

TRANSPORTATION STANDARDS

These standards cover consignments to carriers and intermediate handlers, primary enclosures used to transport live animals, primary conveyances[2], food and water requirements, care in transit, terminal facilities, and handling.

The consignment standards are basically the same for all types of animals, and they cover responsibilities of carriers and intermediate handlers. These standards set the maximum time before scheduled departure for accepting animals for shipment, require accepting only those primary enclosures that meet standards, set conditions that must be met for accepting animals by carriers or intermediate handlers whose facilities fail to meet allowed minimum temperatures, and set requirements for notifying consignees after animals have arrived at the terminal cargo facility.

The primary enclosure standards set requirements for the enclosures themselves as well as for placing animals in the enclosures. The standards set out construction requirements for the enclosures that are basically the same for all types of animals; there are additional special requirements for nonhuman primates and marine mammals. There are specific requirements for the location and surface area of ventilation openings and for markings on the containers. There are standards on the size of primary enclosures for each type of animal; for example, enclosures for rabbits are to be large enough to allow each rabbit to turn about freely and make normal postural adjustments. The animals placed in each enclosure are to be of the same species and maintained in compatible groups. There are additional restrictions for some animals; for example, puppies and kittens are not to be in enclosures with adult animals other than their dams. The standards prescribe the maximum number of animals that can be placed in a primary enclosure, which varies from 1 dog or cat more than 6 months old to 50 hamsters. There are no maximums for marine mammals or "other" animals.

The primary conveyance standards, which are basically the same for all types of animals, set forth a number of general

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[2]A primary conveyance is the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

requirements for the conveyances and for transporting the animals, such as that the animal cargo space shall be designed to protect the health and ensure the safety and comfort of the animals and that each animal is to have access to sufficient air for normal breathing. The food and water requirements cover the frequency with which animals should be given food and water when being transported, including animals transported by dealers, exhibitors, research facilities, and operators of auction sales in their own primary conveyances. The requirements vary by type of animal and in some cases by the age of the animal. For example, adult nonhuman primates over 1 year of age are to be fed at least once every 24 hours, while nonhuman primates less than 1 year of age are to have food available at least once every 12 hours.

The care in transit standards, which are the same for all animals except marine mammals, require that the animals be visually observed at prescribed intervals to assure that they are getting sufficient air, their ambient temperatures are within prescribed limits, and all other applicable standards are being complied with. The animals are also to be observed to determine whether any animals are in obvious distress and to provide needed veterinary care as soon as possible. Animals in obvious distress are not to be transported in commerce. There are special standards for marine mammals. For example, an employee or attendant of the shipper or receiver, who is knowledgeable in the area of marine mammal care, must accompany cetaceans (whales, porpoises, dolphins) during periods of transportation.

The standards for terminal facilities, which are basically the same for all types of animals, cover such things as cleaning and sanitizing, pest control, ventilation, and minimum (45 degrees Fahrenheit) and maximum (85 degrees Fahrenheit) temperatures. The handling standards, which are also basically the same for all types of animals, cover such things as shelter from sunlight, rain or snow, and cold weather and handling of primary enclosures.

FOLLOW-UP ACTIONS BY SIX AREA OFFICES ON REPORTED DEFICIENCIES IN FOLLOW-UP SAMPLE

California

The 30 inspection reports showing major deficiencies involved 18 sites--2 dealers, 5 exhibitors, and 11 research facilities. We found that the area office had reinspected at 14 sites within 30 days of the deadline date for correction, one reinspection was a few days late, and for three sites there was no evidence that the sites had been reinspected as of December 1983, even though many more than 30 days had elapsed since the deadline dates. Two research facility sites had deadline dates of November 1, 1982, and February 14, 1983, respectively. The third site, an exhibitor, was reinspected on May 5, 1983, within 30 days of the original deadline, but the deadline was extended to May 18, 1983, because correction work was in progress, but there was no evidence of a later reinspection.

Three sites received extensions of the deadline date for correction of major deficiencies when they were found to be uncorrected at the time of reinspection. All three extensions were approved by the area veterinarian-in-charge.

Three other sites had major deficiencies which remained uncorrected at the time of reinspection, including one granted an earlier extension. One site, a dealer, relinquished its license. There were no animals present at the time of the reinspection at a second site, one of many locations at a research facility, but a later inspection showed no major deficiencies. The third site was an exhibitor which had an inspection on June 29, 1983, that disclosed five major deficiencies plus a number of minor deficiencies. One of the major deficiencies was to be corrected on that date, while the deadline for correcting the other deficiencies was July 29, 1983. During the reinspection on August 29, 1983, the inspector found that three major deficiencies and one minor deficiency had not been corrected. The inspector reported that the manager said that the deficiencies would be corrected by September 21, 1983. The report was reviewed by the compliance officer and the area veterinarian-in-charge and one of them, apparently the compliance officer, recommended that a violation case be initiated because there did not appear to be a good reason for the deficiencies not being corrected. Although there was no evidence that an extension was granted, an alleged violation report was not prepared until after another inspection on October 4, 1983. The violation report was prepared by the inspector on October 11, 1983, and showed two violations and a violation date of October 4, 1983.

The area veterinarian-in-charge told us that inspectors are not required to reinspect minor deficiencies but that some follow up is done through telephone calls or letters. During our review of the inspection report sample, we noted that many of the minor deficiencies were, in fact, followed up by reinspections.

Iowa

The five inspection reports showing major deficiencies in Iowa involved three dealers, and all were reinspected within 30 days after the deadlines for correction. The deficiencies at two of the sites were found to have been corrected when reinspected. The major deficiency at the third site apparently had been misclassified as major. This site was inspected on December 22, 1982, and the inspector reported a deficiency, classified as major, relating to not keeping puppies bought for shipping separate from the breeding stock colony. The deadline for correction was January 23, 1983, and the site was reinspected February 16, 1983. The inspector reported that the deficiency had not been corrected but did not show a classification for it. The area veterinarian-in-charge told us that the original classification of the deficiency as a major one had been erroneous and it should have been classified as minor. He said that the reported deficiency relates to a practice that should be used for good husbandry but is something that is not covered by the animal welfare regulations.

The area veterinarian-in-charge told us that inspectors do not have to reinspect minor deficiencies but may do so if they are doing an inspection in the vicinity and think a reinspection is necessary.

Kansas

The 62 inspection reports with major deficiencies involved 31 sites, 29 of which were dealers. The area office reinspected all of the major deficiencies, but six reinspections at five of the sites were made more than 30 days after the correction deadline; these reinspections were 5 to 64 days late. The area office granted 14 extensions of deadline dates to 11 sites, all of which were approved by the area veterinarian-in-charge or the assistant area veterinarian-in-charge. Five sites, all dealers, were found to have uncorrected major deficiencies when reinspected after the deadline date or after approved extensions of the deadline date. Two of the sites cancelled their licenses. The area office prepared alleged violation cases for two other sites with uncorrected deficiencies and sent them to APHIS headquarters within the 60 days allowed by APHIS policy.

The area office did not prepare an alleged violation case for the fifth site with uncorrected major deficiencies, even though the deficiencies remained uncorrected for a long period of time. A November 1, 1982, inspection of this site found numerous deficiencies classified as major, and the inspection report showed a correction date of December 1, 1982, for most of the deficiencies, and a correction date of January 1, 1983, for the remaining deficiencies. The inspector reinspected on January 10, 1983, and found that most of the deficiencies had not been corrected, but the inspection report showed no request for an extension or any new deadlines for correction, nor was an apparent violation case recommended.

Another inspection was made on March 14, 1983, and the inspection showed that the deficiencies still had not been corrected. The inspector showed no new deadline dates and recommended that a violation case be filed and the area veterinarian-in-charge noted his concurrence on the report, but a case was not prepared. The inspector again inspected the site on May 18, 1983, and found that some deficiencies had been corrected but that six still had not been corrected. The inspector did not show any deadline dates and did not request an extension, but the assistant area veterinarian-in-charge approved an extension of the deadline.

Yet another inspection was made on June 21, 1983, and the inspection report showed that some deficiencies still remained uncorrected and that some previously corrected deficient items were again deficient. The inspector nevertheless recommended another extension of the deadline date to September 1, 1983, but did recommend that a warning letter be sent. The area office sent a warning letter on June 28, 1983, but denied the request for extension. An inspection on September 14, 1983, found that all but two of the deficiencies had been corrected. One of the remaining items, failure to identify dogs with a tag or tattoo, had been deficient since the November 1, 1982, inspection when it was shown as a major deficiency. Nevertheless, the area office granted still another 30-day extension of the deadline date. A November 9, 1983, inspection finally found that all deficiencies had been corrected.

The area veterinarian-in-charge told us that, even though the March 14, 1983, inspection report had recommended, with his concurrence, that a violation case be filed, a case had not been prepared at that time because the inspector had failed to show due dates for the deficiencies and so charges could not be substantiated. He said he had sent a letter of warning to the dealer on June 28, 1983, pointing out the seriousness of the deficiencies, and that the subsequent inspection showed that "remarkable" progress had been made. The area veterinarian-in-charge said that his policy is to grant extensions if he believes an owner is trying to comply.

The assistant area veterinarian-in-charge told us that the Kansas area office does not distinguish between major and minor deficiencies for reinspection purposes and all must be reinspected. Our review of the inspection report sample confirmed that the area office did reinspect sites with minor deficiencies.

Missouri

The 45 inspection reports with major deficiencies involved 31 sites--29 dealers, 1 research facility, and 1 exhibitor. The area office reinspected 29 of the sites within 30 days of the deadline date for correction; one reinspection was 8 days late, and one was 22 days late. The reinspections showed that all deficiencies had been corrected except at two sites. One of the two sites was being remodeled at the time of the reinspection and no animals were present. The other site, a zoo, had not corrected the deficiencies at the time of reinspection on November 30, 1982. The inspector prepared an alleged violation report but recommended that an extension be granted until June 21, 1983, because the zoo's director had submitted a letter of intent to correct the deficiencies. The zoo's director said that the press of other projects had delayed the construction work to correct the deficiencies but said the work would be completed by the spring of 1983. The assistant area veterinarian-in-charge approved the extension, and an inspection made on June 13, 14, and 16, 1983, showed that the deficiencies had been corrected.

The area veterinarian-in-charge told us that he has told the inspectors to categorize all deficiencies as "inadequate" because he does not believe in assigning major or minor classifications to deficiencies. He said that deficiencies that would be minor usually must be corrected immediately while deficiencies for which correction deadlines are established are major deficiencies. While the area office's practice of not classifying deficiencies as major or minor is contrary to APHIS' policy, the area office was establishing deadline dates and reinspecting the deficiencies it considered to be major, which seems to meet the intent of APHIS' policy.

New York

The 27 inspection reports showing major deficiencies involved 23 sites--3 dealers, 11 research facilities, 7 exhibitors, and 2 carriers/handlers. These sites were reinspected within 30 days of the deadline date, except for the following four sites, for which there were reasonable explanations. One site was not reinspected because the site had disposed of its animals. There was no deadline date set and no reinspection for another site because a violation case was already pending against the site on the same deficiency. The other two sites were air carriers, where the

deficiencies involved specific shipments rather than the carriers' facilities. The area office, however, did not file violation cases on the three deficiencies (two at one carrier's site). One deficiency involved the carrier's failure to notify the consignee of the arrival of a shipment of guinea pigs and hamsters. The compliance officer told us that a case was not sent in because of time constraints. The second deficiency was a failure to attach feeding and watering instructions to the primary enclosure containing a dog. The compliance officer told us that the carrier was at fault but that no case had been submitted through inadvertence. The third deficiency involved ventilation openings on a primary enclosure containing a porcupine. The compliance office told us that no violation case was submitted because there already was a case pending against the zoo which shipped the animal.

One site was given an extension, with the assistant area veterinarian-in-charge's concurrence, when the deficiency was found to be uncorrected at the time of reinspection. The deficiency was found to have been corrected when a subsequent reinspection was made.

There were seven sites where major deficiencies were found to still exist when reinspections were made. For one site, the results of the reinspection were submitted as additional information on a pending violation case. For a second site, the compliance officer's investigation showed that a deficiency did not really exist while another site's deficiency was reclassified from major to minor with the inspector's concurrence. The cases on two sites were closed by the area office because the sites corrected their deficiencies. The area office prepared reports of alleged violations on the remaining two sites with uncorrected deficiencies and both cases were sent to APHIS headquarters within the 60-day time frame set by APHIS policy.

The area office generally did not reinspect sites that had only minor deficiencies.

Texas

The 11 inspections reports showing major deficiencies involved eight sites--one dealer, two research facilities, and five exhibitors. The inspectors did not specify deadline dates for correcting major deficiencies at three sites but did reinspect these sites--one was reinspected 17 days after the deficiency inspection, one 47 days after the deficiency inspection, and the third 4-1/2 months after the deficiency inspection. The inspectors established deadline dates for the other five sites and also for another major deficiency found during a different inspection at one of the sites where no deadline was established. The major deficiencies with deadline dates were all reinspected within 30

days of the due date or earlier. One site was given an extension of the deadline date, with the assistant area veterinarian-in-charge's concurrence. One research facility had an uncorrected deficiency when reinspected and the area office submitted a violation case to APHIS headquarters within 60 days of the reinspection.

The area office took follow-up action on many of the reported minor deficiencies.

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

MAR 1 3 1985

Mr. J. Dexter Peach
Director, Resources, Community
and Economic Development Division
General Accounting Office
441 G Street, N. W.
Washington, DC 20548

Dear Mr. Peach:

Thank you for the opportunity to review and comment on the GAO Draft Report RCED-85-8, dated February 8, 1985, entitled "The Department of Agriculture's Animal Welfare Program." The Office of Budget and Program Analysis also reviewed the report and concurs in our response.

The Animal and Plant Health Inspection Service (APHIS), in general, agrees with the findings as stated in this report and, in fact, was aware that some of the situations identified existed prior to the review. It is our opinion that the source of many of the problems and their eventual resolutions are directly related to organizational structure and lines of communication.

The Animal Welfare Program was reorganized in early fiscal year 1983, just prior to the review, in order to improve the lines of communication and direction between program policymaking personnel and the Regional Directors, Area Veterinarians in Charge, and field inspection personnel. As a result of that reorganization, we are confident that many of the problems that existed at the time of the review have been or are being resolved.

Our response addresses the three major concerns identified by the review and those items under the general category of Other Program Administration Matters.

Sincerely,

Karen Darling

Karen Darling
Acting Assistant Secretary for
Marketing & Inspection Services

Enclosure

GAO note: In general, the actions cited by USDA address the concerns raised by us in our review of this program.

GAO DRAFT REPORT RCED-85-8, DATED FEBRUARY 8, 1985,
ENTITLED "THE DEPARTMENT OF AGRICULTURE'S ANIMAL WELFARE PROGRAM"

Training and Written Guidance for Inspectors

Response

In FY 83, the Animal and Plant Health Inspection Service (APHIS) headquarters decided to reinstitute formal training at the national level. This coincided with the appointment of Animal Care Coordinators in each Area Office. The first national course which was implemented in fiscal year 1984 was for the purpose of training the Coordinators in order that they in turn would train the personnel in their respective areas. We have since designed and conducted two formal training courses for Veterinary Medical Officers who inspect research facilities, and two additional courses are planned for this fiscal year. A scheduled marine mammal training course will also provide formalized training for those inspectors who actually inspect marine mammal facilities. In all instances, we are using select individuals from the regulated industries and humane organizations to supplement staff personnel as instructors. We will still rely on the Regional Animal Care Specialist and Area Animal Care Coordinator to conduct on the job training for new employees and formal training on a continuing basis. However, the reestablishment of formal training at the national level will provide for the additional training which our field inspection personnel require.

With reference to the issuance of written guidelines, we do not believe the comments by inspection personnel are entirely valid. Regulations and standards are purposely written, in some instances, in broad terms to allow some latitude in their interpretation. An integral aspect of the inspector's responsibility is to be sufficiently familiar with the regulations and standards as written and to understand their intent. This should allow for a reasonable assessment of all pertinent facts and a proper determination in most situations.

Inspectors have at their disposal a network of experienced and knowledgeable personnel and have been encouraged to bring unusual situations to their attention for advice. When an unusual situation regarding interpretation of regulations or standards is identified that has the potential of being general in scope, written guidelines have usually been issued. A number of such guidelines have been issued in the form of Veterinary Services (VS) numbered memoranda and other correspondence by the Animal Care Staff, the Office of the Assistant Deputy Administrator, Animal Health Programs, and Regional Directors of VS. A field manual which consolidates all of the guidelines and other pertinent information relative to interpretation and enforcement of the Animal Welfare Act has been assembled and will be issued during the third quarter of FY 85.

Frequency and Scheduling of Inspections

Response

The problem identified in New York and California regarding the failure to inspect facilities was not anticipated. When the review was being conducted there was a National Reporting System in place to track the total number of inspections performed but no national system existed to monitor the inspections performed at individual facilities. However, at the Area level there has been a system in place for the past several years to monitor the inspection of individual facilities to ensure that all were inspected at least once a year. It is apparent that in the subject States, the systems were not operating properly. Instructions have been issued to the Area Offices indicating that a tracking system must be in place, functional and utilized to ensure that all facilities are inspected. Although the majority of the Areas are utilizing a manual system, California and Iowa have developed computerized systems to track inspections. Their programs have been presented during recent national training courses as a model for other Areas to develop their own computerized systems.

As the report indicates, it was determined earlier in the program that the proper frequency of inspections was four times per year. The scheduling of the four inspections was not mandated in order to allow the inspector latitude regarding inspection visits based on the compliance record of the individual facility. Also, since the majority of inspectors performing animal welfare inspections have other programs to service, they are encouraged to schedule animal welfare inspections to coincide with other duties in order to maximize efficient use of their time and resources. Those facilities that established a good compliance record were usually inspected once a quarter in order to spread the frequency of inspections evenly over the entire fiscal year. Facilities with poor records, generally referred to as problem or marginal facilities, were to be inspected, as needed, based on the inspector's judgment of what was required to obtain compliance.

A national average rate of inspection of 2.5 has since been established as it was decided that it was an ineffective and inefficient use of time to routinely inspect four times a year those facilities which had established a good compliance record. Each inspector is required to evaluate assigned facilities and determine the inspection rate based on the facility's compliance record. Those facilities with a good record were to receive a minimum of one inspection, with the majority of our efforts directed at the problem and marginal facilities. This policy has been in effect for the past several fiscal years, and written guidelines in the form of program goals have been issued to the field at the beginning of the respective fiscal years. Athough the reorganization of the program was initiated in fiscal year 1983, it was not until the beginning of fiscal year 1984 that the lines of communication became such that the guidelines were adequately disseminated to our field inspection personnel.

Actions Taken to Follow Up on Deficiencies Found During Inspections

Response

We have no major disagreements with GAO's findings. There is a system in place and functional for the scheduling of followup action when major deficiencies are recorded during a routine enforcement inspection. Those facilities with deficiencies identified by the inspector as major--those which have direct impact on the health and physical well-being of the animal--are given a deadline date in writing for the correction of the deficiency. The inspector must return within 30 days of the deadline to ensure compliance or initiate an apparent violation case if the deficiency has not been corrected. Deficiencies not identified as major do not require a deadline date or a special return visit by the inspector but rather are to be corrected by the next routine inspection. Many in this category can be and are corrected in the presence of the inspector. Headquarters personnel have revised and issued inspection procedures relative to the documentation and identification of major deficiencies. Based on the national record in FY 84, major deficiencies were corrected or alleged violations were initiated within the established timeframes in 95.2 percent of all cited facilities.

Monitoring of Inspection Quality

Response

The monitoring of the program including inspections to ensure quality was one of the items considered in the reorganization of the program in early fiscal year 1983. As a result, in FY 83 Animal Care Coordinators were appointed for the explicit purpose of monitoring the program which included evaluating the quality of inspections in each Area.

Veterinary Services Memorandum No. 595.22, dated April 6, 1983, entitled "Animal Care Coordinator," which lists the duties and responsibilities of the coordinator was distributed to each Area. It clearly states that the Coordinator will monitor the quality of inspections by evaluating inspectors during the performance of actual inspections and advising the AVIC when corrective action such as additional training, etc., needs to be implemented. To emphasize the intent and method of monitoring the program, a system was initiated in fiscal year 1985 whereby the AVIC is required to submit to the Regional Director a documented evaluation of the program and will be held accountable for any problems identified for which corrective actions have not been taken. This system will also rely on the actual observation and evaluation of the inspection process as performed by individual inspectors.

In addition to the above, a team approach concept was initiated in FY 84 to evaluate the quality of inspections in selected areas with a high concentration on research facilities. Essentially, this approach consisted of dividing the six Regional Animal Care Specialists into three teams who then accompanied the local inspector during the inspection of selected facilities in the selected area. This approach was carried out in the New England Area, New York, New Jersey, Pennsylvania, Illinois, and Minnesota. A variation of this approach using one Animal Care Specialist and other selected personnel not assigned to the Area being evaluated has been used in Florida and California this fiscal year.

Reported Inspection Statistics

Response

APHIS agrees that a problem regarding inconsistency of reporting by the individual areas did exist. We have since implemented a change in the reporting system by establishing a separate reporting category for inspections which were attempted but could not be performed or completed. This change will provide for a more accurate tabulation of inspection statistics at both the Area and national levels.

Allocation of Available Funds Among the Area Offices

Response

APHIS agrees that the report is accurate regarding funding in fiscal year 1983. It has, however, been and is our intent to evenly disburse program expenditures over the entire fiscal year.

There are other factors which do affect the disbursement of program expenditures as was the case in fiscal year 1984 when many of our inspectors who have animal welfare responsibilities were detailed to Pennsylvania and Virginia much of the first and second quarters to participate in the eradication efforts of Avian Influenza. However, animal welfare activities were maintained and received their proper priority relative to the other programs administered by our Agency which were also affected.

The allocation of funds to individual States is based on workload as determined by the AVIC utilizing the national guidelines concerning frequency of inspections. These guidelines have historically placed more emphasis on the inspection of animal dealers. Beginning with fiscal year 1984, and to a greater extent in fiscal year 1985, the inspection of research facilities has been emphasized. Since California and New York have a considerably larger number of research sites than dealers to inspect, the change in emphasis has redistributed funding accordingly.

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