

## APHIS RESPONSE TO OCTOBER 1, 2024, CONGRESSIONAL LETTER

### **1. How is APHIS prioritizing its inspection workload, especially in light of a limited inspector workforce, and difficulties in retention and recruitment? How is risk management used in determining priorities? Does APHIS prioritize inspection of facilities with a documented history of serious, repeat noncompliance, and if so, how, and what enforcement actions have been taken? How are facilities with good, longstanding records of compliance recognized and incentivized?**

Our Agency's goal is to bring facilities into compliance, using inspector communication, outreach and education (such as Tech Notes and other publications), or enforcement. With regard to the size of the inspector workforce, to the extent available resources allow, we are implementing retention and recruitment strategies to build on current staffing.

We manage our AC inspection workload with a risk-based system that allows for more frequent inspections at facilities that have demonstrated noncompliance, with fewer inspections at those that have demonstrated consistent compliance. When determining inspection schedules AC inspectors also consider travel logistics; facility size and complexity; and the potential need for a team inspection, field specialist, or security.

In situations where enforcement may be necessary, the Agency first issues an "Official Warning, Violation of Federal Regulations" (APHIS Form 7060). Additional enforcement actions include administrative action (license suspension, license revocation, or civil penalties) and referral to the Department of Justice.

### **2. What specific policies does APHIS have in place for animal injuries that do not involve human errors or interactions, including instances when an animal is injured due to natural negative interactions that occurred because of socializing practices? How does APHIS appropriately balance physical safety and welfare while also ensuring animal social needs are met, even if that carries an element of risk?**

APHIS recognizes that balancing physical safety, animal welfare, and social needs may result in an element of risk. However, we also expect facilities to minimize risks based on thorough planning and vigilance.

If an animal is injured due to natural negative interactions resulting from socialization practices, we may issue a citation depending on the specific circumstances. For instance, if prior documentation shows that specific animals are socially incompatible and have a history of negative interactions, but are still in contact, we are likely to issue a citation.

To ensure that we can enhance our support of regulated facilities, we are currently assessing our guidance for AC inspectors on citations for animal deaths. We understand that even facilities with long histories of compliance can face challenges, and we want the best possible outcomes for the animals and the facility. When an animal injury leads to death, we conduct an inspection, talk to the regulated facility, and review the facility's records. Sometimes, a death is a natural occurrence or unpreventable. However, if there

are reasonable precautions a facility could have taken to prevent an animal death, we will issue a citation and work to educate the facility on corrective action.

**3. What training, mentoring, and professional development are required by APHIS to ensure consistency in inspection outcomes and inspector interpretation of the AWA? How does APHIS ensure consistency in its appeals decisions?**

We recognize that there are opportunities to improve inspection consistency. To that end, we have recently increased the duration of new inspector training from one month to six months. We have also improved training materials and increased job-shadowing opportunities before new inspectors conduct independent inspections. To maintain consistency between inspectors and facilities, AC officials collaborate with their supervisors to resolve questions. We also have inspectors work in teams when engaging with challenging species or facilities.

Our appeals decisions undergo independent appeals panel review to ensure consistency and fairness. Staff on the appeals panels cannot be involved in the appealed inspection nor be located in the inspector's chain of command. To further improve consistency of appeals, APHIS is conducting an internal review of the appeals process.

**4. How does APHIS communicate policy changes to its inspector workforce? How does APHIS communicate policy changes to its licensees? Do you see potential benefit in exploring educational partnerships with the community of regulated facilities?**

We communicate policy changes to AC inspectors through formal notices, a weekly newsletter, Inspection Guide updates, and Tech Notes. We communicate major policy changes to licensees through stakeholder announcements that are available via [email subscription](#) and on our [website](#).

Our Agency has formed educational partnerships with regulated facilities and associated groups, including participation in APHIS-sponsored educational symposia. We also speak at several conferences, including those for the Zoological Association of America and the Association of Zoos and Aquariums, to provide updates about regulated facilities. We continue to seek additional opportunities for partnership with our licensees.