



ZOOLOGICAL ASSOCIATION
OF AMERICA

Advocate. Educate. Conserve.

February 18, 2025

The Honorable Nicole Malliotakis
US House of Representatives
1124 Longworth House Office Building
Washington, DC 20515

RE: Opposition to H.R. 349 "Goldie's Act"

Dear Representative Malliotakis:

On behalf of the Zoological Association of America ("ZAA"), I am writing to express our concerns about and opposition to H.R. 349 ("Goldie's Act"). While we share your interest in ensuring proper animal care and equitable and effective enforcement of the Animal Welfare Act ("AWA") we do not believe that this legislation is necessary or appropriate and would significantly change the legal procedures and protections that apply to all AWA regulated entities: dealers, breeders, exhibitors, intermediate handlers, carriers, and research facilities. As a result, we believe H.R. 349 would adversely impact accredited zoos and aquariums across this country without any corresponding improvement in animal welfare.

About ZAA

ZAA is a non-profit, membership-based accrediting organization dedicated to responsible wildlife management, conservation, and education. ZAA has nearly 1000 professional members and seventy-one (71) accredited facilities that collectively attract more 15 million visitors per year and reach 8 million students through education programming. All AWA licensees are subject to regular, unannounced inspections by the United States Department of Agriculture (USDA). Many of ZAA's member facilities are small, family-owned businesses that have operated for generations. Regardless of their size they are committed to the welfare of the animals in the care and their mission of wildlife conservation and education.

ZAA's accreditation process reflects a commitment to animal care and welfare, best management practices, staff, animal, and guest safety, and regulatory compliance. ZAA's accreditation standards are rooted in the widely accepted scientifically based Five Domains of Animal Welfare framework. ZAA's standards focus on the safety of the animals in our care, as well as our professionals and visitors. The ZAA accreditation program sets a benchmark for standards of operation and surpasses the standards of applicable state requirements and the federal Animal Welfare Act. You can learn more about ZAA and review its Accreditation Standards at www.zooassociation.org

By way of background, I am formally trained in Anthrozoology with a focus on One Welfare, which includes non-human animal, human, and environmental wellbeing. I am a former Associate Professor Professional Practice at The Ohio State University Department of Animal Sciences, have multiple peer reviewed publications and presentations focused on zoo animal welfare, and continue to serve as a professional consultant in the area of animal welfare.

H.R. 349

All AWA licensees are subject to regular, unannounced inspections. Under current practice, licensees are allowed a period to review the findings of the inspection, correct minor non-compliant items and appeal those items they may dispute. The inspection report distinguishes between minor infractions and those that are more serious or place animal health or well-being in jeopardy. Monetary penalties and related liability only flow from the finding of an actual violation as a result of formal charges being brought by USDA after investigation.

Goldie's Act would make fundamental changes to the AWA enforcement process by, among other things, allowing individual government inspectors to unilaterally determine that a licensee has violated the AWA. Thus, on the sole basis of one inspector's findings a licensee would be subject to all of the penalties available under the AWA, including monetary fines of as much as \$10,000, seizure of animals and suspension or revocation of their license. In this manner it would ignore the established due process protections that are now and have always been available under the AWA. In addition, the bill would also require USDA to report every alleged violation to state and local authorities within 24 hours of an inspection, including minor issues, without any chance to appeal or correct.

The bill also will increase the burdens on the agency and take away resources from more meaningful AWA enforcement activities. Under current law, monetary penalties and related liability only flow from the finding of an actual violation. Under this bill, every noncompliance, no matter how minor, would automatically convert into a "violation." The proposed conversion of any NCI to a "violation" potentially subjects even the most careful of licensees to monetary penalties and injunctive relief. As a result, licensees will be compelled to appeal this newly created finding of a "violation" in order to protect itself from monetary penalties which could be as high as \$10,000 per violation. This increase in the number of appeals that will result will increase costs to licensees and administrative burdens on USDA. At the same time, the current appellate process will be deficient since it does not allow for discovery or the opportunity for an evidentiary hearing at the agency. Such a deficient appellate process for any failure to comply with the AWA, which would be any noncompliance under Goldie's Act, would violate the due process rights of licensees.

In short, what appears to be a simple definitional change will result in more regulated individuals and businesses being subject to harsh penalties without opportunity for a prior appeal or even to defend themselves. We believe that is wrong.

AWA Enforcement

It is also worth noting that USDA's own data shows the vast majority of USDA licensees are in

compliance with the AWA. According to 2023 Animal & Plant Health Inspection Service (APHIS) Animal Care report, “the agency conducted 10,595 AWA site inspections— including 1,248 unannounced inspections at research facilities—to assess the health, care, and treatment of more than 1.4 million animals and found **96 percent** of licensees and registrants in substantial compliance with the AWA.”

This proves that current USDA procedures and enforcement authority are more than adequate to ensure AWA compliance without trampling the rights of licensees. USDA is free at any time to seek to suspend or terminate a license for a true and significant violation of the AWA or the rules promulgated thereunder. Current law also provides for civil monetary penalties and cease and desist notices as well as criminal penalties all within a system of due process protections.

ZAA and its membership support the goal of ensuring compliance with the AWA and protecting the welfare of animals. However, H.R. 349 would make it more difficult for both USDA and its licensees to operate. The AWA was enacted to ensure minimum standards of care and not as a punitive statute that penalizes lawful, regulated entities. There is no justification for the removal of the long-standing legal due process protections that are applicable to the AWA. Moreover, their removal would not be accompanied by any corresponding improvement in animal welfare.

Thank you for considering our position.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kelly George', is placed over a light blue rectangular background.

Kelly George, PhD
Executive Director

cc: The Honorable Glenn “GT” Thompson
Chairman
The Honorable Angie Craig
Ranking Member
House Agriculture Committee