

United States Senate
WASHINGTON, DC 20510

March 31, 2022

The Honorable Kevin Shea
Administrator, Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road
Riverdale, MD 20737

Dear Administrator Shea:

We write to urge the Animal and Plant Health Inspection Service (APHIS) to pursue aggressive enforcement actions against Envigo RMS LLC and Envigo Global Services Inc.'s (hereafter, Envigo) operations in Cumberland, Virginia. Over the course of the last nine months, APHIS inspectors visited Envigo's Cumberland facilities four times and cited the company's licensed breeding and research facilities for 73 violations of the Animal Welfare Act (AWA), 35 of which were classified as 'Direct' or 'Critical.' APHIS has an obligation under the AWA to ensure the "humane handling, care, treatment, and transportation of animals" within its purview.¹ In light of persistent and egregious violations of the AWA, we believe that APHIS should immediately suspend the license of the Envigo breeding facility in Cumberland and initiate formal administrative proceedings through the USDA Office of General Counsel.

In recent months, we have been horrified to learn of the abuses at Envigo's facilities in Virginia. Namely, the abuses have occurred at the dog breeding facility in Cumberland, though APHIS also documented violations of the AWA at the adjacent research facility operated by Envigo. Research conducted at the facility caused distress to nursing mothers and their puppies after food was intentionally withheld for 48 hours within the course of a study, which itself was the subject of several AWA violations. AWA violations at the breeding facility have been even worse. Perhaps most galling is the fact that from January – July 2021, over 300 puppy deaths were attributed to unknown causes, and the facility was found to have "not taken additional steps to determine the causes of death in order to prevent similar deaths" in the future. The July 2021 inspection report also detailed widespread issues with the maintenance of Envigo's housing facilities that recurred in each of the subsequent three inspections. Housing violations included enclosures lacking solid walls which led to at least 71 dogs being injured when a body part was pulled through the wall of the kennel by a dog in an adjacent kennel, incompatible groupings that led to the death of at least two dogs and injured 48 others, holding puppies and adult dogs in shelters with temperatures exceeding 85 degrees Fahrenheit for more than five hours, and insufficient cleaning and sanitation procedures which led to "a large accumulation of feces, urine, standing water, insects (both dead and alive) and uneaten food" under kennel floors. The July 2021 inspection report also highlighted that current staffing levels were insufficient to provide appropriate care, a violation that recurred in subsequent inspections.

¹ 7 U.S.C. 2143

The October 25, 2021 inspection report of Envigo’s Cumberland breeding facility found 13 more violations, seven of which were categorized as ‘Direct’ or ‘Critical,’ and eleven of which were repeat violations. It was clear then that the facility was not making progress in caring for the puppies and dogs. Violations cited in this October report included failure to identify medical conditions requiring treatment and failure to handle animals carefully which led to the death of a newborn puppy in a drain after he fell through a gap in the flooring.

APHIS’ inspection reports from its November 16, 2021 inspections led to 29 more violations of the AWA, 14 of which were classified as ‘Direct’ and 17 were repeat violations. Despite the facility being more than four months past its initial inspection which documented vast noncompliance, inspectors found continued, horrific mistreatment of animals. For example, the facility was found to have ignored the appropriate authority of the attending veterinarian and performed unnecessarily painful medical procedures, including euthanasia without a sedative, in direct contradiction to the recommendation of the American Veterinary Medical Association. Inspectors reviewed medical records that showed 196 dogs were euthanized and many were not provided any anesthetic. And just three days ago, APHIS released a fourth inspection report detailing five more repeat AWA violations of the Envigo breeding facility found on March 8, 2022. It is clear to us that Envigo has been derelict in its duty to provide for the humane care of its dogs, and is unable to abide by the basic standards set forth by the Animal Welfare Act.

While APHIS inspection reports have proven an invaluable resource in uncovering the breadth and depth of mistreatment occurring at the Envigo facilities, we are concerned with delays in publishing such reports. Advocates, legislators, and the public have waited months after inspections to review inspection report findings. The July report was not publicly released until 118 days after the inspection, while the October and November inspection reports took 94 and 128 days, respectively, to be published. We appreciate the complexity of these reports and the immense care that animal care specialists take in preparing them. We also understand that Envigo made it consistent practice to appeal each report in its 21-day window from initial receipt. Even still, it strikes us as unacceptable that the public and elected officials were not privy to the horrific violations of the AWA until months after the inspections while animals suffered in the interim. In particular, it is unclear to us why APHIS’ undertakes a second 21-day hold period after a licensee’s appeal is reviewed and the report is duly modified. In an ‘Explanatory Statement’ of the recently-passed *Consolidated Appropriations Act of 2022*, Congress instructed APHIS to address “long and inexplicable delays in acting against blatant violations of the Animal Welfare Act.”² We share this concern and hope you will take all prudent steps to expedite the public release of AWA inspection reports moving forward.

The role of the U.S. Department of Agriculture (USDA) in ensuring humane treatment of animals extends beyond routine and focused inspections. Congress has provided USDA with broad authority to apply penalties to violators of the Animal Welfare Act. To our knowledge, APHIS has not yet exercised such authority despite Envigo’s repeated failures in providing

² <https://docs.house.gov/billsthisweek/20220307/BILLS-117RCP35-JES-DIVISION-A.pdf>

adequate care to the 5,000 dogs entrusted to its care. APHIS could suspend Envigo's license for 21 days, and upon notice and opportunity for hearing, move to revoke the facility's license outright. Additionally, APHIS could initiate formal administrative action by the USDA Office of General Counsel to seek civil penalties. APHIS is authorized in statute to seek civil penalties of up to \$10,000 per violation of the AWA, meaning that it could seek up to \$730,000 in penalties from Envigo for its repeated noncompliance.³ In the face of repeated, serious violations by the facility, it is our strongly-held belief that USDA must pursue aggressive enforcement actions.

In light of ongoing violations of the AWA at Envigo facilities in Virginia, we respectfully request that by April 20, 2022, you provide detailed responses to the following questions:

1. Has APHIS taken any enforcement actions against the Cumberland, Virginia Envigo facilities (breeding facility: Certificate 32-A-0774, site 005 and research facility: Certificate 23-R-0187, site 002), or does it plan to do so?
2. What number and type of AWA violations would typically be sufficient to warrant various types of enforcement actions, including regulatory correspondence, stipulated penalties, license suspension or revocation, confiscation of animals, and formal administrative proceedings?
3. Over the last three years, has APHIS cited any single facility for more than violations of the AWA in a nine-month span than Envigo has received (73 violations)?
4. APHIS outlines in its Animal Care Inspection Guide that "inspection reports are to be finalized... within 5 business days of the date of the inspection." Was that the case in the inspections at Envigo's Cumberland facilities in July, October, and November 2021?⁴
 - a. If so, did the appeals process account for the remainder of the delay before reports were posted or were there other causes for delay?
5. What is the median time between the date of an APHIS inspection and the publication of the inspection report in instances where licensed facilities appeal the inspection report?
6. Given that APHIS' most recent inspection of the Envigo facility on March 8, 2022 uncovered five repeat AWA violations, will APHIS inspectors return to the facility for a fifth time to monitor progress on corrective actions?

We appreciate APHIS' continued attention to this important issue, and look forward to a prompt response. Should you have any questions, please do not hesitate to contact our staff.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator

³ 7 U.S.C. 2149

⁴ https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf