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STATEMENT FOR THE RECORD BY
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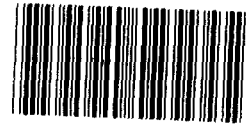
BEFORE THE

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT

AND RELATED AGENCIES

SENATE COMMITTEE ON APPROPRIATIONS

ON



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THE DEPARTMENT OF AGRICULTURE'S
ANIMAL WELFARE PROGRAM

This statement is being provided to assist the Subcommittee in considering the Department of Agriculture's request for fiscal year 1986 appropriations. It provides information on the Department's activities under the Animal Welfare Act (7 U.S.C. 2131 et seq.) which authorizes a program that is designed to ensure the humane care and treatment of certain warm-blooded animals. Our study of this program was undertaken at your request. It focuses on three main areas:

--The training and guidance given to the Department's inspectors.

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--How the Department schedules its inspections of facilities subject to the provisions of the act and the frequency of those inspections.

--The follow-up actions the Department takes when inspectors find unsatisfactory conditions.

BACKGROUND

The Animal Welfare Act authorizes the Department's Animal and Plant Health Inspection Service, which administers the program, to make unannounced inspections of the premises of animal dealers, research facilities, exhibitors (such as zoos and circuses), and carriers and handlers. The annual appropriations for the program were about \$4.9 million in fiscal years 1982 through 1985. Dealers and most exhibitors must obtain licenses from the Department. Licensees paid fees of about \$143,000 in fiscal year 1983 (the latest data available during the time we did our work), 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.

The information provided is based on our ongoing review of animal welfare inspection activities in the Inspection Service's area offices in California, Iowa, Kansas, Missouri, New York, and Texas. These offices were in 6 of the 10 states that had the most compliance inspections. This information is preliminary since the report has not been finalized.

TRAINING AND WRITTEN GUIDANCE FOR INSPECTORS

The Department has not established criteria for the amount and type of training needed by animal welfare inspectors. According to area office officials and inspectors, the primary written guidance for inspectors is the 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 primary type of training.

We reviewed the training records of 73 inspectors in the six states and found that 57 inspectors had attended formal training courses; the others had not. For example, 9 of the 25 inspectors in California and 6 of the 17 inspectors in Texas had not attended any animal welfare training courses. However, of the inspectors 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.

We obtained the views of 11 regional and area office officials and 29 inspectors on the adequacy of the training given to inspectors. 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 so experienced. Twenty-one of the 29 inspectors said that their training was adequate but eight of these expressed reservations about the training. 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 training.

We also obtained comments from 7 regional and area officials and 19 inspectors on the adequacy of inspection guidance. Fifteen of these officials and inspectors said that the written guidance was not adequate, mainly because the standards were too broad and required a great deal of judgment to interpret. Of the 11 officials and inspectors who believed that the guidance was adequate, 6 also said that the standards were broad and required a great deal of judgment in their application.

FREQUENCY OF INSPECTIONS

Neither the Animal Welfare Act nor the Department have specified a required inspection frequency. The Inspection Service does not have a formal system for scheduling inspection visits, however, a desired level of 4 inspections per site per year was cited in program planning documents and by most of the program personnel we interviewed. The inspectors are required to reinspect sites with major deficiencies (that is, 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 disrepair) to determine corrective action taken. The inspectors receive general guidance as to how often sites can be inspected with available funds. The inspectors told us that they schedule their inspection visits

based on their judgment and their knowledge of the sites subject to inspection, generally planning to make more frequent inspections of sites that have problems.

We 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.

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 head of the California area office said that his office did not get sufficient funds to do more inspections. Officials of the New York area office also said that, in addition to funding constraints, their office did not have enough inspectors to make more inspections.

FOLLOWUP ON DEFICIENCIES

Inspection Service policy requires that inspectors set deadlines for correcting major deficiencies found during inspections and that reinspections be made within 30 days after the deadline date. If the deficiencies have not been corrected at the time of the reinspection and the deadline date has not been extended, the area offices are to prepare apparent violation cases that are sent to Inspection 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.

The 600 sites for which we reviewed inspection reports included 114 sites where major deficiencies were found during inspections. We found that the Inspection Service's offices were generally complying with the Service's policy and meeting 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 reinspections.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Inspection Service officials told us that the level of funding for the animal welfare program had affected the extent of training given to inspectors and the frequency of inspections of regulated sites. The Department had proposed for fiscal years 1983, 1984, and 1985 that funding for inspections be reduced or eliminated and that nonfederal 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 fiscal year 1986 budget proposes that the program be eliminated.

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. Should the Congress decide to continue funding the program, we are proposing that the Congress require the Secretary of Agriculture to make an overall assessment of the program. This assessment should include (1) a review of the program's results achieved to date, (2) development of criteria for the number of inspections needed to assure compliance and for the amount and type of training needed by inspectors, and (3) a review of the adequacy of program guidance given to inspectors. The assessment should also consider whether more of the cost of the program should be borne by licensees, considering the effect cost increases might have on them.

OTHER PROGRAM ADMINISTRATION MATTERS

During our review, we noted some additional matters affecting the program. These relate to how Department officials monitor the quality of inspections, inspection statistics collected for reporting purposes, and how available funding is allocated among area offices. Although we did not examine these matters in depth, we are presenting the information since these topics should be useful in future assessments of the program.

Monitoring inspection quality

The Inspection Service has assigned responsibility for overseeing the quality of inspections performed to designated area office personnel. It has not specified a system or procedures for carrying out this responsibility. Two of the six area offices we 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 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.

Inconsistent reporting of inspections

Area offices collect inspection statistics and submit them to Inspection Service headquarters for headquarters' use in its management activities and for the Service's annual report to the Congress on animal welfare enforcement. The area offices computed the total numbers of inspections differently, and the reported statistics were not comparable. We also noted that reported statistics did not agree with the number of inspections we computed from the area offices' records. For example, the California area office reported that it had made a total of 624 inspections during fiscal year 1983, which was 24 percent more than the numbers shown in the office's inspection records.

Funding of inspection activities

The Inspection Service restricted animal welfare inspections for much of fiscal year 1983 because it believed it might have to use animal welfare funds in some of its other programs. When additional funds were released in June 1983, it was too late in the fiscal year to use all of the available funds to conduct animal welfare inspections. Furthermore, 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 differences in inspection frequencies among the area offices.

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This concludes our statement. Our draft report is with the Department of Agriculture for its review and comment. When we receive its comments, we will evaluate them, make appropriate changes, and issue our report.