

Caged raccoons drooled in 100-degree heat. But federal enforcement has faded.



Raccoons at an Iowa fur farm inspected by the USDA in July 2017 were found to be suffering in a hot metal barn. Inspectors seized some of the animals, but the agency returned them after senior leaders intervened. (Obtained by The Washington Post)

By Karin Brulliard and William Wan

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For two days running in the summer of 2017, the temperature inside a metal barn in Iowa hovered above 96 degrees. Nearly 300 raccoons, bred and sold as pets and for research, simmered in stacked cages. Several lay with legs splayed, panting and drooling, a U.S. Department of Agriculture [inspector wrote](#).

On the third day, the thermometer hit 100, and 26 raccoons were “in severe heat distress” and “suffering,” the inspector reported. Then a USDA team of veterinarians and specialists

took a rare step: They confiscated 10 of the animals and made plans to come back for the others.

But after an appeal from an industry group to a Trump White House adviser, Agriculture Secretary Sonny Perdue and senior USDA officials intervened, according to five former employees. The inspectors and veterinarians were blocked from taking the remaining raccoons and ordered to return those they had seized.

In the months that followed, the Iowa incident was described by USDA officials at internal meetings as an example of the new philosophy of animal welfare protection under the Trump administration and Perdue. Leaders of the agency's Animal Care division told inspectors to treat those regulated by the agency — breeders, zoos, circuses, horse shows and research labs — more as partners than as potential offenders.

They have been told to emphasize education, not enforcement.

The change began in the Obama administration but has accelerated under President Trump. In interviews with The Washington Post, more than a dozen recently departed USDA staffers, including eight veterinarians, said the more lenient approach has curtailed inspectors' ability to document violations and has put animals at risk. Some spoke on the condition that they not be identified because they feared retaliation.

"It feels like your hands are tied behind your back. You can't do many things you're supposed to when it comes to protecting animals. You're seeing inspectors so frustrated they're walking out the door," said Denise Sofranko, a veterinarian who spent 20 years as an inspector and elephant specialist and left at the end of 2017.



A USDA animal welfare inspector's thermometer shows the heat index is 117.2 degrees where raccoons were being kept. (Obtained by The Washington Post)



Inspectors cited Ruby Fur Farm for high heat in the raccoon barn, writing that the farm "must reduce the temperature and humidity inside this building." (Obtained by The Washington Post)

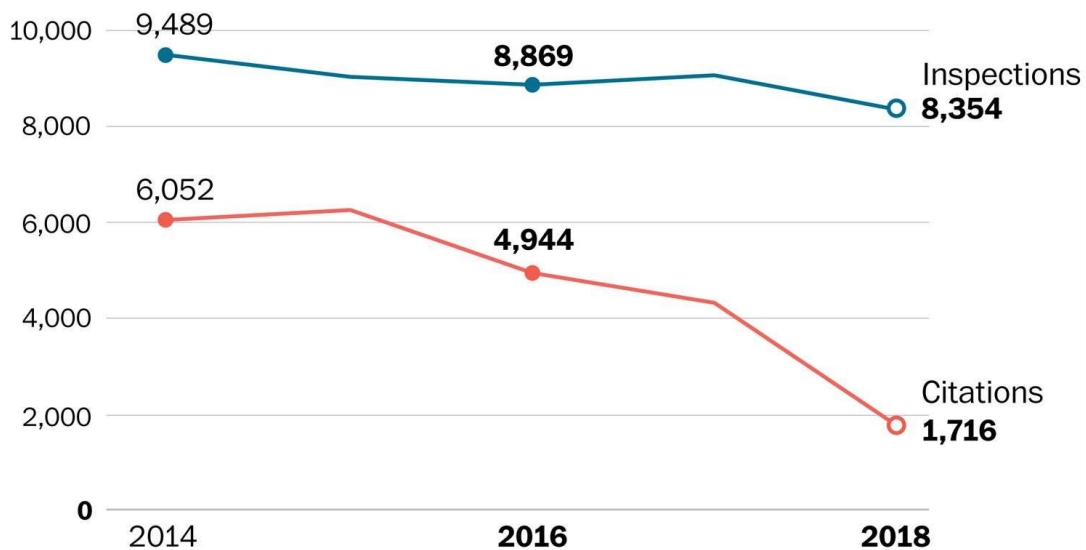
The USDA did not respond to questions about Perdue's involvement in the raccoon case or to questions about other cases. The agency said in a statement that it is committed to upholding animal welfare laws and has worked hard to make sure licensed facilities understand the regulations. Animal Care is working more closely with businesses and their veterinarians to correct problems, the statement said.

"Our recent efforts have focused on ensuring that licensed facilities comply with the regulations as quickly as possible," the agency said. "We do not tolerate disregard for animal welfare laws."

The changes at the USDA's Animal Care division have come amid a broad Trump administration push to deregulate industry, including by relaxing rules and enforcement. At the Environmental Protection Agency, fines and other actions against polluters have [sharply declined](#). The Food and Drug Administration is issuing [far fewer warnings](#) to medical and pharmaceutical firms. [Fines levied](#) by the Department of Transportation against U.S. air carriers, for tarmac delays and other problems, have plunged. Since Trump took office, the number of animal welfare citations issued by the USDA has declined dramatically. In 2016, the agency issued 4,944 citations; two years later, that number was 1,716, a drop of 65 percent.

USDA animal welfare inspections and citations

While the number of inspections carried out has declined only slightly, the number of citations issued has plunged.

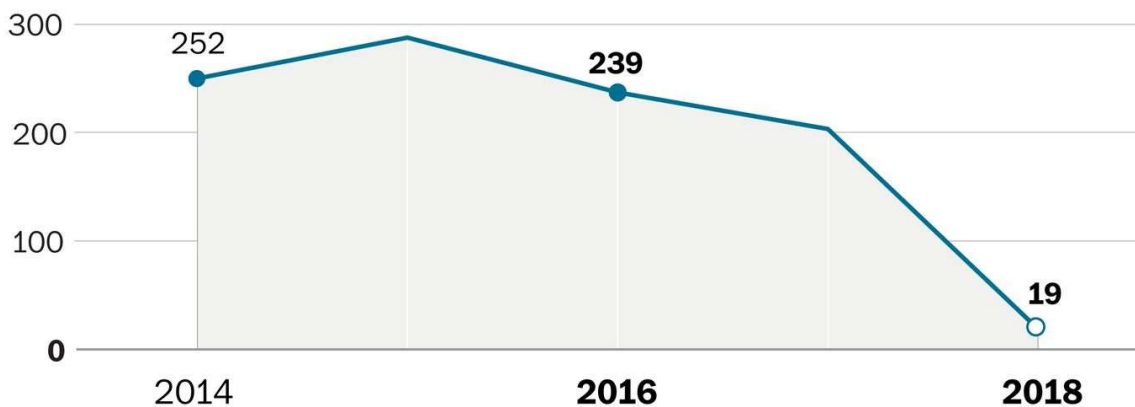


Source: USDA data via Animal Welfare Institute

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The agency last year [launched 19 enforcement cases](#) — which can lead to penalties including fines and license revocations — against alleged violators, [a decline of 92 percent compared to 2016](#).

Enforcement cases initiated



Source: USDA data via Animal Welfare Institute

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Also under Trump, the agency has heavily redacted information from inspection reports published online, shielding violators from public criticism. Some reports are now accessible only through Freedom of Information Act requests, which can take months or years to be filled. Many violations are no longer documented on inspection reports.

[USDA abruptly purges animal welfare information from its website]

The USDA attributed the nose-dive in citations in part to staff vacancies and said it expects similar numbers in 2019. It portrayed the decrease in citations as a positive sign that its more collaborative approach has reduced violations.

But what agency officials depict as a strategy to more efficiently guide animal businesses and labs to follow the law was described by many Animal Care employees as an abandonment of their mission to protect animals.

“The changes that have been made over the past two years have systematically dismantled and weakened the inspection process,” said William Stokes, a veterinarian who oversaw inspectors in 27 states and two U.S. territories as an assistant director from 2014 to 2018. The result, he added, is “untold numbers of animals that have experienced unnecessary suffering.”



The stark shift in animal welfare enforcement has garnered bipartisan criticism in Congress.

In April, 38 senators (of whom three are Republicans) and 174 representatives (including nine Republicans) [co-signed a letter](#) criticizing the USDA for “treating the regulated industries as customers, giving deference to those who can’t comply with the [Animal Welfare Act’s] modest requirements while giving short shrift to the animals and the taxpaying public.” They called for the agency to document all violations and for it to restore animal welfare records it [removed from its website](#) in 2017.

“How we treat animals speaks volumes about the values we hold as human beings,” Sen. Jeff Merkley (Ore.), the top Democrat on an agricultural panel of the Appropriations Committee, said in a statement to The Post. “It’s disturbing that USDA is cutting back on animal welfare enforcement and going easier on perpetrators of animal cruelty.”



A competitor shows a Tennessee walking horse, using the distinctive large shoes and ankle chains used to make horses step higher, in June during the Columbia Spring Jubilee in Columbia, Tenn. (Mike Clark/for The Washington Post)

'Teachable moments'

Congress passed the Animal Welfare Act in 1966 amid public outcry about dealers who were stealing pet dogs and cats and selling them to research labs. The Horse Protection Act followed four years later, banning a widespread practice of using chemicals and other painful methods to force horses to adopt a high-stepping gait.

Enforcing those laws is the responsibility of the USDA's Animal Care unit. The program has about 200 employees, about half of whom are inspectors. It regulates more than 10,000 animal businesses and research labs, and it inspects show horses.

In interviews, current and former Animal Care employees said swings in enforcement are common with changes of administrations. But most said the current shift toward collaboration exceeds any they've seen.

Signs of a shift began in 2016 during the Obama administration, after the naming of a new deputy administrator for Animal Care — Bernadette Juarez, an attorney who was the first non-veterinarian to lead the division.

The changes include a greater reliance on counting violations as “teachable moments” — instructing the business or lab instead of issuing citations.

According to USDA policy, “teachable moments” [cannot be applied to violations that affect animal health or welfare](#). But records obtained by animal rights groups show several apparent violations — including a pig death, overgrown goat hoofs and dogs kept in too-small enclosures — logged as teachable moments.

“I went out and rode with inspectors and usually saw no one write citations for anything,” said veterinarian Katie Steneroden, who worked as a USDA inspector in Iowa from 2017 to 2018 and said she was horrified by conditions at some dog-breeding operations. “It was like, ‘It’s the first time, so do a teachable moment.’ Well, there’s nothing in the Animal Welfare Act that says first-time offenders should get a teachable moment.”

The agency said using teachable moments has prompted the businesses and labs to fix their violations more quickly than lengthy enforcement procedures.

Another change, started by the Trump administration, is an [incentive program](#) that allows facilities to avoid citations by self-reporting even serious violations, including those that resulted in animal deaths. These violations are no longer documented by the USDA, inspectors said.

Ron DeHaven, who headed Animal Care from 1997 to 2003, said fewer citations for minor violations could help businesses follow the law. But he said a decrease in citations for the most serious violations is “concerning.”

“If there are things that are directly impacting the health and well-being of animals, I don’t care who the administration is,” said DeHaven, who now runs a veterinary consulting business. “Those are the kinds of things that need to be documented.”



Jaretha Dunquant protests the abuse of animals outside the Columbia Spring Jubilee in Columbia, Tenn. The Horse Protection Act forbids painful methods of changing horses' gaits. (Mike Clark/for The Washington Post)

Animal advocacy groups say they have increasingly noticed gulfs between what other oversight agencies find and what USDA inspectors cite.

At Baylor College of Medicine in Texas, research labs that experiment on pigs and rabbits reported 13 incidents and “noncompliances” in 2017 and 2018 to the federal Office of Lab Animal Welfare, a part of the National Institutes of Health that regulates federally funded animal research. Some involved surgeries that resulted in the deaths of four animals, including two rabbits that had been improperly anesthetized.

Three USDA inspections over the same period documented just one violation.

In July 2018, the office sent [a letter to Baylor](#), chastising it for “ongoing serious programmatic noncompliance” related to surgeries and placing it on an “enhanced reporting schedule.” Copied on the letter was the USDA’s director of animal welfare operations.

“This is [the Office of Lab Animal Welfare] saying this is serious, and yet the USDA did nothing with it,” said Michael Budkie, executive director of Stop Animal Exploitation Now,

an organization that obtained the communications through a Freedom of Information Act request.

The USDA did not respond to a question about its Baylor inspections.

A loss of trust

For decades, the USDA's horse veterinarians have occupied one of the most contentious corners of animal welfare enforcement. They are charged with identifying Tennessee walking horses that have been "sored" — with caustic chemicals, for example, or jamming hard objects into their hoofs — to make them step higher at shows, a violation of the 1970 law. Judges often give better rankings to horses with higher and more extreme gaits.

Horse inspectors and veterinarians described routinely receiving threats on their lives, and the USDA now hires armed guards to accompany inspectors at shows. Show participants, for their part, say they have been overregulated and intimidated by the agency.



Dutch, a Tennessee walking horse, stands in a pasture in June. His owner said he was rescued from a slaughter auction and bears scars from soring abuse. (Mike Clark/For The Washington Post)



A Tennessee walking horse competes in the Columbia Spring Jubilee. Judges often give better rankings to horses with the most extreme gaits. (Mike Clark/For The Washington Post)



An official inspects a Tennessee walking horse's leg for evidence of soring at the Columbia Spring Jubilee. The USDA has made it harder to disqualify horses for soring, former inspectors say. (Mike Clark/For The Washington Post)

On the eve of the year's biggest show horse event in August 2016, Juarez, the division head, told inspectors that they could no longer disqualify a sore horse on their own, according to three former inspectors who were present.

A new rule required a second USDA veterinarian to independently perform a second inspection. Unless the second vet identified the same spot on the horse as the first, the horse could not be disqualified and the owner could not be cited.

"The message was, 'We do not trust your opinions as vets,'" said Tracy A. Turner, a veterinarian who worked on contract for the USDA from 2007 to 2016.

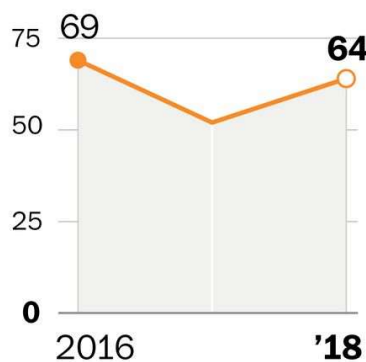
USDA inspectors in 2016 determined 30 percent of inspected horses had been sore; two years later, it found only 2 percent of inspected horses had been.

Juarez transferred to the USDA's Biotechnology Regulatory Services in July. One of her deputies, a veterinarian, was named acting head of Animal Care. The USDA declined to make Juarez available for an interview.

Four horse inspectors who left in the past two years told The Post that recent changes made it nearly impossible for them to protect sore horses. Of about a dozen veterinarians on the team, more than half have quit, transferred or retired since 2016.

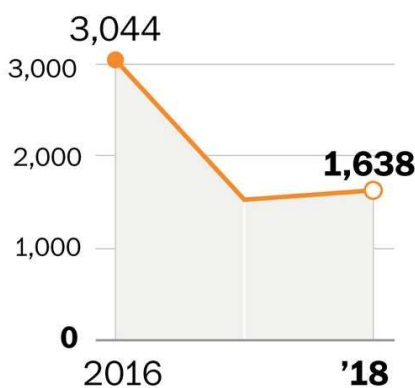
Horse Protection Act enforcement trends

Shows and sales attended by USDA inspectors

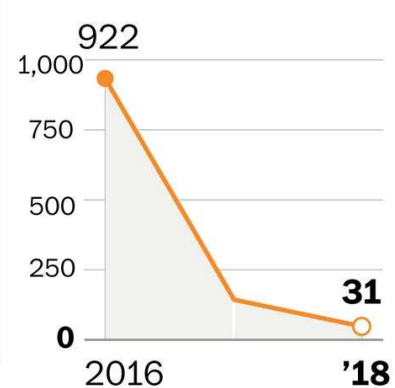


Source: USDA data

Horses inspected by USDA



Horses USDA inspectors found to be sore



KLARA AUERBACH/THE WASHINGTON POST

Among those who left the USDA was the interim director of the horse protection program, veterinarian Bart Sutherland. Shortly after he resigned in 2018, Sutherland sent a three-

page memo to Agriculture Secretary Perdue, who is also a veterinarian. A copy of the memo was obtained by The Post.

In his letter, Sutherland said he did not object to Perdue's pro-business approach and noted he himself was a lifetime Republican. But Sutherland said the recent changes "undermine the current Administration and the Secretary, as well as the goals and intent of the Horse Protection Act."

Reached by phone, Sutherland confirmed he sent the letter to Perdue. In a statement, he said the changes "had the practical effect, in my opinion and from my observations, of effectively nullifying aspects of federal law intended to stop the soring of horses."

Less pressure

Industry advocates have hailed the changes at the USDA as long overdue.

For years, the Missouri-based Cavalry Group complained to the agency about inspectors' overreach and subjective interpretation of regulations. A company of animal businesses, it says it exists "to fight the radical animal rights agenda legally and legislatively nationwide."

Its president, Mindy Patterson, said she began asking members in 2013 to write affidavits about negative experiences with USDA inspectors. Patterson secured a meeting in March 2017 with Sam Clovis, a top Trump campaign aide who became the White House's USDA liaison, and said she handed him a 422-page binder of complaints.

Patterson said she contacted Clovis again four months later, after getting a call from Ruby Fur Farm, the Iowa site where USDA inspectors were trying to seize the raccoons.

The farm raises ferrets, skunks, foxes and raccoons for the pet industry, according to its website. It has also sold animals to the USDA for research purposes, [federal records show](#). For years, agency animal welfare inspectors had found violations at the site, such as ill and injured skunks and ferrets; accumulated feces in living spaces; and two ferrets kept in an enclosure with a "dead, decomposing, headless juvenile ferret."

Patterson said she and her husband, Cavalry Group CEO Mark Patterson, went to the farm during the arguments over the raccoons. The farm's attending veterinarian and the local sheriff assured USDA inspectors that the raccoons seemed lethargic only "because they're nocturnal animals," she said.

In [an account sent to Cavalry Group members](#), Mark Patterson said his group contacted members of Trump's agriculture advisory committee and Trump's USDA transition team. Mindy Patterson told The Post that their main contact was Clovis; Clovis said through a lawyer that he disputed some of Cavalry Group's account but declined to comment in detail.

The group also emailed Juarez, who responded immediately and told the USDA team to "pause" activity at Ruby Fur, Mark Patterson wrote. Four days later, according to Mark Patterson's account, Perdue ordered a USDA lawyer to fly to Iowa — something several former inspectors said they had never known to happen before. The seizure order was revoked.

"We were assured that positive changes will soon be announced that will ensure going forward that [the USDA] will act as more of a partner with its licensees," Patterson wrote.

Within days, Juarez told senior managers that confiscations were on hold at the direction of Perdue, according to internal correspondence and Stokes, the former assistant director. The agency later removed a 31-page chapter on confiscation from its inspectors' guide and now addresses the process briefly in appendixes.

Since late 2017, Mindy Patterson said, business members in her group have reported a "notable release of pressure."

In its statement to The Post, the USDA declined to say why it reversed the confiscation but suggested that inspectors had not given Ruby Fur sufficient time to correct the problem. Ruby Fur did not respond to requests for comment.

Reports show inspectors first cited the farm for high heat in the raccoon barn [in June 2017](#), a month before confiscating the animals, writing that the farm "must reduce the temperature and humidity inside this building." Inspectors returned in mid-July, citing the facility and issuing the same instructions in three reports over three days before taking action.

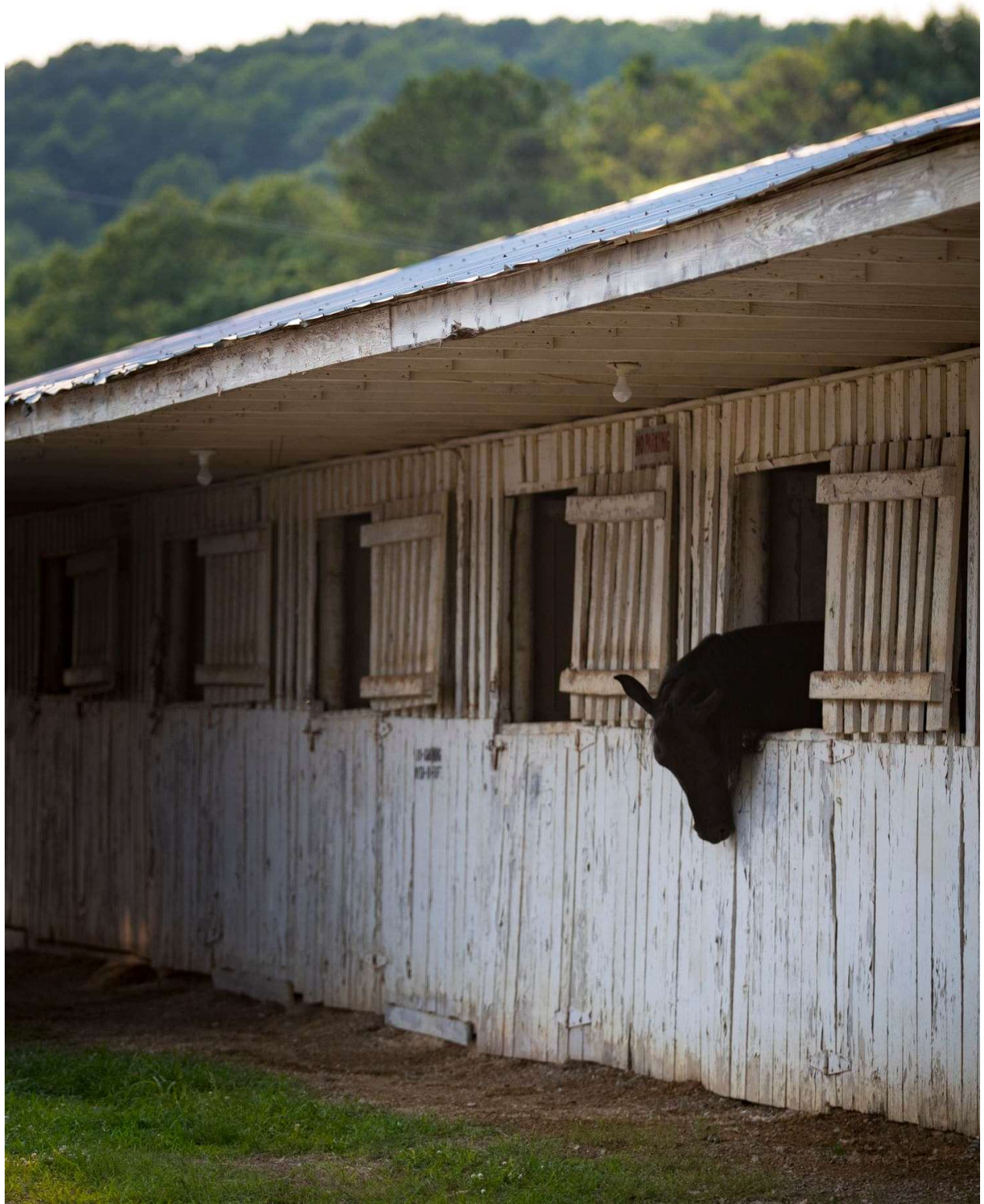
"The inspectors followed all procedures correctly," said Stokes, who reviewed the reports.

One month after the USDA found the overheated raccoons in the summer of 2017, inspectors returned. According to [their report](#), the overheating had been fixed, but problems persisted: A ferret was being fed on by "numerous engorged ticks." Algae and

flies floated in animals' drinking water. Feces beneath several enclosures contained an "excessively large number of maggots."

The USDA did not answer a question about whether Ruby Fur has faced any penalty. In the statement, the agency said its "actions in 2017 were effective in bringing the facility into compliance."

Since then, the farm has been inspected three times and given two minor citations. One visit was an announced inspection that gave the facility warning ahead of time. It found no violation.



A horse in a stable at Maury County Park in Columbia, Tenn., in June. (Mike Clark/For The Washington Post)