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By U.S. Mail and Email



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Tom Vilsack, Secretary of Agriculture
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RE: Comments for animal handling and welfare review panel of agricultural research service's "Findings and Recommendations on the Animal Care and Well-Being at the U.S. Meat Animal Research Center to the Secretary of Agriculture and the REE Under Secretary"

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Dear Executive Director Esch,

The Animal Legal Defense Fund (ALDF) is submitting this comment to express dissatisfaction with the USDA's shallow review of alarming and entrenched problems involving reckless animal neglect and mismanagement of taxpayer-funded research at the U.S. Meat Animal Research Center (MARC) as reported on the front page of *The New York Times* on January 19, 2015.¹ The USDA must conduct a more thorough inspection, and should implement policy changes that stop the waste of taxpayer resources on useless studies causing wholly unjustifiable animal suffering.

The news story described numerous instances of egregious animal mistreatment. A "pasture lambing" experiment, for example, caused an astounding 25-33% fatality rate in newborn lambs born in fields compared to

¹ Moss, Michael, *U.S. Research Lab Lets Livestock Suffer in Quest for Profit*, THE NEW YORK TIMES (Jan. 19, 2015), available online at http://www.nytimes.com/2015/01/20/dining/animal-welfare-at-risk-in-experiments-for-meat-industry.html?_r=0.

a typical 10% fatality rate for lambs born in shelters. In the research, baby lambs were left in fields to die despite the fact that the researchers could have been gathered after it was clear they were abandoned, or ended the research entirely because farmers themselves expressed disinterest in ever implementing the pasture-lambing practice.² The *Times* article also described a three-decades-long cow breeding study aimed at making the animals capable of birthing two or three calves instead of just one. That study resulted in high calf mortality, and calves born with “deformed vaginas” and tangled legs. It was also strongly rejected by the industry.³ Additionally, the article reported that under the MARC’s watch, since 1985, 6,500 animals have starved to death, 625 cows have died of a treatable udder infection, 245 ewes have died of untreated jaw abscesses, and that “spates of diarrhea and respiratory disease” have afflicted innumerable pigs stuffed in overcrowded and unsanitary barns.⁴

In response to this report of rampant animal neglect and mistreatment, Secretary Vilsack promised a swift and thorough investigation of the MARC, and greater oversight of animal welfare there. On March 9, USDA halted all new animal research projects at the MARC until the facility adopts procedures ensuring robust animal welfare safeguards. The same day, an Animal Handling and Welfare Review Panel (the “Panel”) of the ARS published the report under discussion today, “Findings and Recommendations on the Animal Care and Well-Being at the U.S. Meat Animal Research Center to the Secretary of Agriculture and the REE Under Secretary” (the “Report”).

The Panel’s Report falls far short of Secretary Vilsack’s promised investigation. Its *failure to even mention*—let alone address or account for, in any way—the incidents identified in the *Times* article and described above, is both baffling and inexcusable.

An adequate investigation would require several unannounced visits to the MARC; observing all areas at which animal handling and care occur; and interviewing numerous employees, veterinarians, researchers, farmers, and industry representatives. Through this process, inspectors must probe the history and root causes of the animal cruelty and neglect illustrated so definitively in the *Times* piece.

Instead, the USDA’s “investigation” consisted of MARC leading the Panel on a pre-arranged, three-day, white-glove tour of the facility. Knowing it was under the microscope, not surprisingly, MARC took pains to paint a sunny picture of animal care and treatment for the Panel. What is shocking and indefensible is that the Panel

² *Id.*

³ *Id.*

⁴ *Id.*

concluded—and USDA accepted—based on this cursory, formal presentation, that the animal treatment it witnessed is representative of the facility’s day-to-day goings-on.

Indeed, the Panel said that, “[w]ithout exception,” it “observed healthy and well-cared for animals. As a rule, animals were handled with care and professionalism by dedicated staff members. No instances of animal abuse, misuse, or mistreatment were observed.” (Report, p. 2-3) The Report further details,

In all instances where panel members directly observed animal handling it was noted that animals were treated with care and professionalism. Animals were observed to be calm, without any obvious signs of stress such as excessive vocalization, visually apparent agitation, or attempts to escape holding pens or chutes. We find these observations of animal behavior during handling to be significant as *we believe it is indicative of how animals are routinely handled at the facility at not just during the week of the Panel’s visit.* (p. 5; emphasis added).

This conclusion defies belief. Apparently because the workers were not, at that very moment, mistreating the animals, and because the animals were not vocalizing in pain and distress, the Panel ignored the mountains of evidence of animal cruelty and neglect detailed in the January article, and simply took MARC at its word.

The Report went on to conclude, “Based upon the observations of the panel members **no evidence** of poor animal handling, animal abuse, or inadequate veterinary care was observed or identified.” (p. 11; bolding in original). Again, this finding simply cannot be squared with the incidents highlighted in the January *Times* piece. While the Report does criticize the conduct of the Institutional Animal Care and Use Committee (IACUC), this critique does not go nearly far enough.

In failing to investigate the prior instances of animal mistreatment, to identify why and how those problems happened, and to diagnose whether they are symptomatic of larger administrative failures, inadequate animal welfare policies, or a lack of monetary and/or veterinary resources at MARC, the Panel and the USDA, more broadly, abnegated their duty. Any proposed solution that does not properly identify and account for the problem to be mitigated is doomed to fail. Proper IACUC review cannot make up for the inability to provide veterinary care and prevent thousands of baby lambs from dying slow, painful, unnecessary deaths.

The Report also failed to probe important issues like how MARC manages its resources and determines funding priorities. The death of animals through neglect is

itself an inexcusable waste of taxpayer-funded research, as is the funding of research like pasture-lambing that farmers have expressed no interest in ever utilizing.

In sum, the Panel's glossing over of egregious animal cruelty and neglect in this Report only demonstrates to an even greater degree that a more thorough investigation is desperately needed. Such an investigation must involve more than a pre-announced white-glove tour of the facility, and must lead to policy changes that stop the waste of taxpayer resources on useless studies that cause wholly unjustifiable animal suffering.

Sincerely,

Kelsey Eberly, Esq.

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