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The Honorable Thomas Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Vilsack,

Thank you for your letter of September 18, 2015, regarding the health and welfare of Nosey, an African circus elephant exhibited by Mr. Hugo Liebel.

Although I appreciate the USDA's most recent investigations in May and August regarding this issue, I am deeply concerned about the USDA's reliance on an evaluation arranged for by Mr. Liebel's attending veterinarian. Without independently assessing the adequacy of the methods and determinations used, the suitability of the examinations remains in question. I would like to know if an independent, qualified expert within, or contracted specifically by, the USDA reviewed the veterinary report, the radiographs and its findings. Additionally, please explain why Mr. Liebel's veterinarian was permitted to identify an individual for this evaluation.

This situation has exposed persistent weaknesses in the Animal and Plant Health Inspection Service's (APHIS) penalty schedule, which the Office of Inspector General (IG) also identified in a December 2014 report. The IG report found that, since 1992, APHIS has chronically failed to enforce the Animal Welfare Act (AWA) effectively, in part because of a broken penalty scheme that rewards settlement and fails to deter future violations. Repeated offenses reported with each subsequent evaluation of Nosey show that APHIS may be allowing violators to engage in prohibited conduct with insufficient punishment.

I am pleased that APHIS decided to form a civil penalty action team to study and make recommendations related to this problem. As the USDA works with stakeholders to achieve the reforms needed to address these problems, I strongly recommend that this team be allowed to study and make recommendations on other enforcement-related inadequacies, including this issue of a "hands-off" veterinary policy.

Given that the USDA is in the early stages of processing these problems, some of which could impact Nosey's status, I would appreciate if your office could respond to the issues above and, once your team has completed its work of attempting to overhaul weaknesses in key aspects of APHIS' enforcement mechanisms, re-examine the issue I presented in my July 31, 2015, letter.

Sincerely,


Raul M. Grijalva
Member of Congress