

October 20, 2022

Robert M. Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA APHIS Animal Care

Via Email: [REDACTED]; animalcare@usda.gov

**Re: Request to Terminate Terry Anderson's Exhibitor License
for Violations of the Animal Welfare Act**

Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) terminate Terry Anderson's d/b/a Anderson & Girls Orchards (Anderson) (license no. 34-C-0183) for critical and habitual violations of the Animal Welfare Act (AWA) and its regulations.

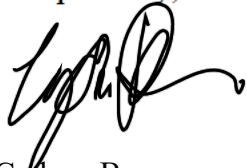
The USDA may terminate an exhibitor's license "at any time" if the licensee is not in compliance with the AWA or its regulations, or is otherwise unfit to hold a license and licensure would be contrary to the purposes of the AWA. 9 C.F.R. §§ 2.11(7), 2.12. Additionally, if the agency believes that a licensee has violated or is violating the AWA or its regulations, it may temporarily suspend or revoke the license. 7 U.S.C. § 2149(a).

Anderson has repeatedly failed to meet the minimum standards of the AWA. In the last eight years, Anderson has amassed 46 violations of the AWA, including five critical and nine repeat violations. Ex. 1 (USDA Inspection Reports, 2014-2022). Five of these violations led the USDA to issue Anderson a \$3,875 penalty. Ex. 2 (Citation and Notification of Penalty, Sept. 22, 2021). As detailed in the attached appendix, the severity and frequency of these violations shows that Anderson is either incapable or unwilling to comply with the bare minimum requirements of the AWA. Anderson's consistent pattern of noncompliance with federal animal welfare regulations puts the health and safety of the animals, public, and employees at risk.

Anderson is demonstrably unfit to exhibit animals and his continued licensure is contrary to the purposes of the AWA. Accordingly, PETA respectfully requests that the USDA terminate his AWA license.

Please inform me of the complaint number assigned to this correspondence. Thank you for your attention to this important matter.

Respectfully,



Cydnee Bence
Legal Fellow, PETA Foundation
[REDACTED]

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PETA FOUNDATION IS AN OPERATING
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- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

Appendix

Terry Anderson (license no. 34-C-0183) exhibits animals at Anderson & Girls Orchards in Stanton, Michigan. Ex. 1 at Sept. 14, 2022 Inspection Report. Anderson & Girls Orchards advertises that it has operated a “petting zoo” since 2000. *Anderson & Girls Orchards*, <http://www.andersonandgirls.com/index.html> (last visited Oct. 17, 2022). Over the last four years, the conditions at Anderson’s have resulted in a \$3,875 fine for AWA violations and 35 citations, including four direct, five critical, and nine repeat. Ex. 1; Ex. 2.

The frequency of repeat violations and the rapid accumulation of critical and direct violations is particularly concerning. A “critical” citation is a violation of the AWA regulations that “*had* a serious or severe adverse effect on the health and well-being of the animal.” USDA, [Animal Welfare Inspection Guide](#) 2.4.6. (Nov. 2021) (emphasis added). A “direct” violation is a violation that, at the time of the inspection, “*is having* a serious or severe adverse effect on the health and well-being of the animal.” *Id.* at 2.4.7 (emphasis added). Both critical and direct violations are only issued when the violation has a **serious or severe** impact on the animal’s health and well-being. That Anderson has received nine of these violations in just four years is alarming.

The USDA’s most recent inspection, on September 14, 2022, revealed that Anderson’s disregard for animal care and visitor safety has not ceased despite the USDA’s issuance of repeat citations and fines. Ex. 1 at Sept. 14, 2022 Inspection Report; Ex. 2. Anderson’s inattention to animal care is not a recent development. Rather, Anderson habitually fails to meet minimal animal care standards, putting visitors, employees, and animals at risk.

Anderson’s has regularly failed to provide animals with basic veterinary care resulting in easily preventable suffering. The USDA has cited Anderson for:

- September 14, 2022: a **direct** violation of 9 C.F.R. § 2.40(b)(2) for failing to provide adequate veterinary care to seven zebu. The zebras’ had severely overgrown hooves that were “starting to curl” and changed “the angle at which the[ir] limbs contact the ground.” Ex. 1 at Sept. 14, 2022 Inspection Report. Overgrown hooves are painful because they change the animal’s gait and weight distribution.
- April 11, 2022: a **critical** violation of 9 C.F.R. § 3.82(c) after a squirrel monkey had to be euthanized. The squirrel monkey’s necropsy revealed “gross and histologic findings [that were] consistent with trauma and a chronic negative energy balance.” Ex. 1 at Apr. 11, 2022 Inspection Report.
- July 7, 2021: a **direct and repeat** violation of 9 C.F.R. § 2.40(b)(3) for failing to provide adequate veterinary care to a rabbit whose eye was “very swollen” with “yellow/green discharge.” The head keeper was aware of the issue, but did not alert the veterinarian. Ex. 1 at July 7, 2021 Inspection Report.
- March 24, 2021: a **direct** violation of 9 C.F.R. § 2.40(b)(3) for failing to provide multiple animals with adequate veterinary care. Anderson failed to alert the veterinarian after a mother marmoset dropped one of her babies, who ultimately died. As a result, the veterinarian “was not able to offer a diagnosis and treatment to possibly prevent the death of the baby.” Additionally, a squirrel monkey who had been exhibiting signs of illness since December 2019 had shown no

improvement and there was no recommendations in the Program of Veterinary Care for him, or any other primate. Ex. 1 at Mar. 24, 2021 Inspection Report.

- March 24, 2021: a **direct** violation of 9 C.F.R. § 2.40(a)(2) for failing to provide adequate veterinary care to a reindeer who had been treated for a wound and swelling in his back leg by the previous owner—not the attending veterinarian. Ex. 1 at Mar. 24, 2021 Inspection Report.
- September 11, 2019: a violation of 9 C.F.R. § 2.40(b)(2) for failing to provide veterinary care to a capybara who had a limp and red, inflamed skin. Anderson was notified of the capybara’s condition two weeks prior to the inspection but did not call a veterinarian until prompted by the USDA. Ex. 1 at Sept. 11, 2019 Inspection Report.
- May 20, 2014: a violation of 9 C.F.R. § 2.40(a)(1) for failing to update the program of veterinary care for two years, despite the addition of new animals. Ex. 1 at May 20, 2014 Inspection Report.

For years, Andersons has also been cited for failing to have enough employees to adequately supervise visitor interactions with animals. Anderson’s chronic mismanagement and lack of supervision has now resulted in an injury to a child. Ex. 1 at Sept. 14, 2022 Inspection Report. The USDA has cited Anderson for:

- September 14, 2022: a **critical** violation of 9 C.F.R. § 2.131(c)(1) after a goat bit a child. The child needed medical attention for the bite wound. Anderson failed to supervise visitors’ interactions with goats or provide sufficient barriers between the goats and the public. Such little attention was paid to the goats that Anderson could not even identify which of the three goat pens, much less the individual goat, was the source of the child’s injury. Ex. 1 at Sept. 14, 2022 Inspection Report.
- October 25, 2021: violating 9 C.F.R. § 3.132 by failing to have sufficient personnel. According to the USDA, Anderson only had one full-time employee and several part-time employees, which the inspector noted was “not proven to be sufficient to maintain normal husbandry standards for a collection of nearly 200 animals.” Ex. 1 at Oct. 25, 2021 Inspection Report.
- September 11, 2019: a **critical** violation of 9 C.F.R. § 3.85 for failing to sufficiently train employees on handling practices to prevent animal bites. An employee was bitten by a black and white ruffed lemur on two separate occasions. Ex. 1 at Sept. 11, 2019 Inspection Report.
- April 1, 2019: a **repeat** violation of 9 C.F.R. § 2.131(c)(1) for failing to have sufficient staff and/or barriers to prevent the public from having unattended contact with the camel, reindeer, and muntjac. Ex. 1 at Apr. 01, 2019 Inspection Report.
- October 31, 2018: violating 9 C.F.R. § 2.131(c)(1) for failing to have attendants or barriers to prevent the public from having unattended contact with the camel, water buffalo, reindeer, sitatunga, and nilgai. Ex. 1 at Oct. 31, 2018 Inspection Report.
- June 13, 2017: violating 9 C.F.R. § 2.131(c)(1) by not having adequate barriers between the public and hedgehogs, guinea pigs, chinchillas, and degus. “The

hedgehogs were stolen from the facility, but returned a few days later.” Ex. 1 at June 13, 2017 Inspection Report.

Additionally, despite repeated citations, Anderson is apparently unable or unwilling to maintain animal enclosures in a way that is safe for the animals and visitors. The USDA frequently cites Anderson for allowing animals’ enclosures to fall into a state of disrepair, including:

- September 14, 2022: a **repeat** violation of 9 C.F.R. § 3.125(a) for failing to repair a three-foot gap in the fencing meant to enclose camels. Ex. 1 at Sept. 14, 2022 Inspection Report.
- January 18, 2022: a **repeat** violation of 9 C.F.R. § 3.125(a) for failing to provide camels with adequate shelter. The camels had destroyed the entire top wall and ¼ of the bottom wall of their windbreak by chewing on it. Additionally, there was a 2’ x 3’ hole in the zebu and alpaca enclosure fencing. Ex. 1 at Jan. 18, 2022 Inspection Report.
- October 25, 2021: a **critical and repeat** violation of 9 C.F.R. § 3.125(a) for failing to maintain several animals’ enclosures, including the prairie dogs, which resulted in a prairie dog escaping. Ex. 1 at Oct. 25, 2021 Inspection Report.
- March 24, 2021: a **critical** violation of 9 C.F.R. § 3.125(a) after fifteen prairie dogs escaped from their enclosure and were lost. Only one deceased prairie dog was recovered following the incident. Anderson had also failed to maintain the cavy and the red kangaroo enclosures, both of which had protruding nails/screws. Ex. 1 at Mar. 24, 2021 Inspection Report.
- May 9, 2016: a violation of 9 C.F.R. § 3.125(a) by failing to maintain a porcupine enclosure in good repair. The door that allowed the animal access to the outside enclosure had wire mesh on it that had sharp points and was in disrepair. An area of fencing for the outdoor enclosure also had sharp points and was in disrepair. Ex. 1 at May 09, 2016 Inspection Report.

In addition to the lack of structural integrity, Anderson regularly fails to provide animals with sanitary enclosures, forcing animals to live in accumulated feces. The frequent buildup of feces is further evidence that Anderson fails to hire and train enough employees to provide basic animal care. USDA, [Animal Welfare Inspection Guide](#) at C-18. The USDA has cited Anderson for:

- April 11, 2022: a **repeat** violation of 9 C.F.R. § 3.131(a) for failing to remove “excessive feces and urine” from the camels’ shelter, causing a “strong odor.” There was also 16 inches of manure accumulation in a barn housing a cow and Asian water buffalo. The barn did not provide the animals access to the outside. There was also 12 inches of manure in a barn housing two goats. Ex. 1 at Apr. 11, 2022 Inspection Report.
- April 11, 2022: violating 9 C.F.R. § 3.84(a) by failing to remove excess food and feces from the squirrel monkeys’ enclosure. Ex. 1 at Apr. 11, 2022 Inspection Report.

- October 25, 2021: a **repeat** violation of 9 C.F.R. § 3.131(a) for failing to remove “excessive feces in the shelter for the water buffalo, cow and goats, the primary enclosure for the ferrets, and on the goat walk.” Ex. 1 at Oct. 25, 2021 Inspection Report.
- October 25, 2021: violating 9 C.F.R. § 3.129(b) by allowing the buildup of “excessive feces in the goat trough” and failing to clean “a mineral block that has feces on it.” Ex. 1 at Oct. 25, 2021 Inspection Report.
- March 24, 2021: a **repeat** violation of 9 C.F.R. § 3.131(a) by allowing three feet of feces to accumulate in a barn housing a water buffalo and two cows. Ex. 1 at Mar. 24, 2021 Inspection Report.
- January 13, 2020: a **repeat** violation of 9 C.F.R. § 3.131(a) for failing to remove “excessive feces and food waste” from an enclosure holding a spotted genet, two ferrets, and two coatimundis. Ex. 1 at Jan. 13, 2020 Inspection Report.
- June 13, 2017: violating 9 C.F.R. § 3.131(a) by failing to remove “a large accumulation of feces and urine” from the floor of the ferret enclosure. Ex. 1 at June 13, 2017 Inspection Report.

These are not the only violations the USDA has cited Anderson for, nor are they the only examples of *repeat* violations. Ex 1. This sampling of violations show a pattern of persistent noncompliance. Anderson has demonstrated a years-long pattern of poor animal care, including failing to provide adequate veterinary treatment and housing animals in feces-filled, dilapidated enclosures. Further, despite repeatedly citing Anderson for allowing unsupervised contact between animals and the public, Anderson did not implement necessary changes and now, at least one member of the public has been injured. The USDA has given Anderson numerous opportunities to come into compliance with the AWA’s minimal requirements. However, dozens of citations, thousand-dollar penalties, and increasingly frequent inspections have failed to convince Anderson to follow the law. Accordingly, the USDA should terminate Anderson’s license for habitually violating the AWA.