



March 11, 2018

Attn: Docket APHIS-2017-0102
APHIS
4700 River Road, Unit 118
Riverdale, MD 20737-1238

Via rulemaking portal

Re: NAPSA comment on the use of third-party inspection and certification programs.

To Whom It May Concern,

The North American Primate Sanctuary Alliance (NAPSA) is a coalition of ten of the leading primate sanctuaries on the continent. Amongst its other functions, NAPSA serves as a central point of contact and expertise for issues relating to captive primates. NAPSA member sanctuaries collectively provide exceptional care to over 720 nonhuman primates retired from laboratory research, private ownership, and the entertainment industry. Each full member sanctuary is licensed and inspected by the United States Department of Agriculture (USDA) or its Canadian equivalent, licensed by relevant state and county authorities, and accredited by the Global Federation of Animal Sanctuaries.

NAPSA does not encourage APHIS to incorporate third-parties to inspect facilities licensed under the Animal Welfare Act (AWA). We recognize that the Animal and Plant Health Inspection Service (APHIS)'s responsibility to ensure that animals at licensed facilities are cared for humanely is a heavy one. However, the solution to this quandary should not be to rely on outsiders to carry out the USDA's work, but instead to strengthen existing internal programs. The use of third-party inspection programs will be difficult to manage effectively, leaves even more room for human error than the current system does, and will further remove APHIS from the facilities it licenses – which is problematic and may result in blind licensing, in which the USDA's license is awarded erroneously to those who do not qualify.

Specifically,

1. Questions contained in the docket refer to the potential inspector programs as “qualified,” but it is unclear how and to what extent they would be qualified. If APHIS is struggling internally to keep up with inspections and enforcement, it seems likely that there would not be enough resources or oversight to train the third-parties in order to ensure their qualifications. Additionally, facilities with different priorities (such as breeding, research, sanctuary care, and

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exhibition, amongst others) will have myriad opinions on qualifications of the third-party and it is questionable if APHIS will be able to meet the requests of various industries to have inspectors in whom they have faith. Permitting facilities to select their own third-party inspectors leaves the door open for biases and rubber-stamped inspections that will undermine the integrity of the USDA. Regardless of the details of how this might operate, this question is vague. It is difficult to determine the functionality of the proposal without further details on how the qualification process would proceed.

2. A reduction in the frequency of APHIS inspections is not an incentive to support this program, but is a deterrent. As it is under the current inspection system, animal welfare infractions are able to develop in between inspections. Less frequent inspections will only result in *more* opportunities for animal welfare violations to occur, undetected. Only those operating without transparency and perhaps in defense of less-than-perfect facilities would support an initiative to lessen the frequency of inspections.
3. Third-party programs are not likely to be effective in practice. Facilities have been able to obtain accreditation from third-parties without issue but were then found by APHIS to be guilty of a number of serious violations¹. APHIS, with its large network and federal funds, has struggled to inspect facilities in a timely manner. The Global Federation of Animal Sanctuaries (GFAS) has been similarly overwhelmed. No single organization has been able to inspect facilities alone, without missing key elements that affect animal welfare. For this reason, NAPSA includes both GFAS accreditation and USDA licensure as part of our membership requirements. There are no other organizations that NAPSA is aware of who might be qualified to inspect facilities on behalf of APHIS. It does not seem likely that an inexperienced and untested program of inspection would succeed where others, with more resources and experience, are struggling.
4. If APHIS does choose to rely on third-party inspectors (which NAPSA does not recommend, for reasons listed above) it is crucial to determine that inspectors have the knowledge and practical experience necessary to have a critical eye, and also are unbiased towards a variety of industries, including zoos, laboratories, sanctuaries, private owners, trainers, breeders, and more. This will be difficult, if not impossible, to obtain such individuals and oversee their work effectively. Furthermore, in order for APHIS to verify an inspection done by a third-party, the verification should not come from the facility. There should be regular and direct contact between the inspectors and APHIS. Once an inspection is complete, the third-party should report the results back to APHIS, who can then intervene if violations are found. Waiting for facilities to submit their own third-party inspection results will cause delays that leave windows open for animal welfare issues to persist and worsen.

¹ Justin R. Goodman, Alka Chandna & Casey Borch (2014) Does Accreditation by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) Ensure Greater Compliance With Animal Welfare Laws?, *Journal of Applied Animal Welfare Science*, 18:1, 82-91, DOI: [10.1080/10888705.2014.948625](https://doi.org/10.1080/10888705.2014.948625)

5. The greatest opportunity for APHIS to improve the consistency and effectiveness of its AWA programs is not to delegate responsibilities to outsiders, but instead to invest resources and strengthen existing programs to ensure they uphold the responsibilities with which they have been tasked.

It is the duty of APHIS to ensure that appropriate standards of living are met for captive animals at the facilities it licenses. The use of third-party inspecting programs would further remove APHIS from the licensees, resulting in more inconsistency and less efficacy than the current inspection and certification system. The use of a third-party inspection program will compromise the integrity of APHIS and is not recommended by NAPSA.

Sincerely,


Erika Fleury
Program Director