

**ANIMAL AND PLANT HEALTH REGULATORY ENFORCEMENT
(INVESTIGATIVE AND ENFORCEMENT SERVICES)**

PROGRAM PROFILE

| | |
|---|---|
| Goal | To provide a high quality investigative and enforcement service to ensure widespread compliance with laws and regulations administered by APHIS. |
| Enabling Legislation | 7 USC 149 (Mexican Border Act), 7 USC 150 (Plant Pests and Quarantine), 7 USC 163 (Plant Quarantine Act), 7 USC 282 (Honeybee Act), 7 USC 1596 (Federal Seed Act), 7 USC 2149 (Animal Welfare Act), 7 USC 2807 (Federal Noxious Weed Act), 7 USC 3806 (Swine Health Protection Act), 15 USC 1825 (Horse Protection Act), 16 USC 1540 (Endangered Species Act), 21 USC 114 (Animal Industry Act), 21 USC 158 (Virus Serum Toxin Act). |
| Economic Significance | Significant economic losses are prevented through widespread voluntary compliance with interstate and international animal and plant health regulations; illegal movements of animals, plants, or agricultural pests are investigated to limit potential spread of diseases or pests; enforcement actions are pursued as a deterrent to further violations. |
| Principal Approach And Methods Used to Achieve Goals | Cadre of highly trained field investigators and staff specialists support investigative and enforcement needs of APHIS program units, principally VS; PPQ; and Animal Care. Investigative and Enforcement Services (IES) field personnel conduct investigations, track unresolved violation cases, and coordinate investigative efforts within APHIS and with other Federal/State agencies. Field personnel also gather information for 1 APHIS units and provide training to APHIS inspectors in documenting violations/collecting evidence. Headquarters (HQ) staff coordinate enforcement actions on a national basis, reviewing and processing cases for formal administrative action or criminal prosecution. HQ staff develop uniform penalty guidelines for resolving cases, collect civil penalties, and coordinate |

activity between APHIS units and USDA Office of General Counsel (OGC). Staff also provide advice on enforcement issues in APHIS rulemaking and program planning activities.

History

Legislation cited above and applicable regulations provide criminal and civil penalties for violations. In 1988, agency investigative and enforcement activities previously carried out in various program units were centralized in Regulatory Enforcement and Animal Care. IES became separate unit under Management and Budget in FY 1997. In addition to handling investigations and coordinating formal prosecutions, IES has authority to resolve violation cases informally at the Agency level through stipulations.

State and Local Cooperation

IES works closely with State and local animal and plant health officials to identify violations and coordinate enforcement actions. Because violations of Federal laws and regulations routinely impact State programs, IES investigators work cooperatively with State and local law enforcement agencies to coordinate enforcement efforts.

Involvement of Other Agencies

IES works closely with numerous Federal agencies in enforcement effort. Within USDA, IES interacts with OGC, Office of Inspector General, Agricultural Marketing Service, Food Safety and Inspection Service, and Grain Inspection, Packers & Stockyards Administration. Outside USDA, IES cooperates with Fish & Wildlife Service, Customs Service, Immigration and Naturalization Service, U.S. Attorney's Office, U.S. Marshals Service, and other law enforcement agencies.

RECENT ACCOMPLISHMENTS

Ensuring Compliance

APHIS supports the enforcement needs of the Agency and ensures uniform compliance with Federal laws and regulations through a combination of sound enforcement and strong educational efforts. We investigate violations, collect evidence, issue and

collect civil penalties, and develop alleged violation cases for formal prosecution.

Staff

At the start of FY 2000, IES employed 55 field investigators stationed throughout the United States. A staff of three compliance specialists and three case examiners at headquarters handle agency-level enforcement including issuance and collection of civil penalty stipulations.

Timeliness and Quality

APHIS continues to work to improve the timeliness and quality of investigations despite a continuing increase in the number of violations. In this regard, the Agency has made important progress in tracking cases through the implementation of a headquarters based online computer system. This system enables all investigators, regardless of where stationed, to enter data directly into the system with a laptop or personal computer.

Plant Quarantine Investigations

IES conducted 779 investigations involving plant quarantine violations in FY 1999 resulting in 71 warnings, 357 civil penalty stipulations, 18 Administrative Law Judge decisions, and over \$220,000 in fines. APHIS also conducted widespread market surveillance activity to intercept prohibited foreign fruits and vegetables illegally smuggled into the United States. Significant cases involved the falsification of phytosanitary certificates being used to export agricultural goods from the United States to foreign countries, the smuggling of prohibited fruits and vegetables contaminated with plant pests into this country, and the illegal distribution of Mexican avocados out of the northeastern States where they were permitted entry.

Animal Health Investigations

APHIS conducted 469 investigations involving animal health programs in FY 1999, resulting in 137 warnings, 32 civil penalty stipulations, 19 Administrative Law Judge decisions, and over \$50,000 in fines. In addition, APHIS took several hundred administrative actions on animal health program violations disclosed at the border ports by agricultural quarantine inspectors. The alleged violations were

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concentrated in veterinary accreditation, animal identification, brucellosis, pseudorabies, and import/export programs. Significant cases involved the illegal interstate movement of pseudorabies affected swine, the fraudulent switching of equine blood samples to facilitate export, and the illegal importation of meat products from bovine spongiform encephalopathy countries.

Animal Care Investigations

IES Staff conducted 313 animal care investigations in FY 1999, resulting in 188 formal cases submitted for civil administrative action. APHIS also issued 143 letters of warning for animal care. During FY 1999 we resolved 79 cases with civil penalty stipulations resulting in \$82,152 in fines. Administrative Law Judge decisions resolved another 28 cases resulting in \$585,162 in fines and an additional \$70,250 to be spent by licensees to improve facilities to achieve compliance. APHIS investigated several high-priority and significant cases that involved the abuse and death of exhibit elephants; sale of dogs and exotic animals by unlicensed dealers; and the improper care of marine mammals, research primates and puppies raised for the pet trade.

Pesticide Record Keeping

During the year, APHIS continued to perform random inspections in several States for the Agricultural Marketing Service (AMS), using their pesticide record keeping system. At the request of AMS, APHIS conducted investigations for pesticide record keeping application violations.

RESOURCE DATA

| | -----Obligations----- | | | | |
|----------------|-----------------------|----------------------|------------------|--------------------|-------------------------|
| | <u>Direct</u> | <u>Reimbursement</u> | <u>User Fees</u> | <u>Staff-Years</u> | |
| FY 1996 | 5,892,726 | 65,000 | -- | 107 | |
| FY 1997 | 5,781,600 | 119,000 | -- | 79 | |
| FY 1998 | 5,954,483 | 83,000 | -- | 79 | |
| FY 1999 | 6,017,215 | 56,000 | -- | 79 | |
| FY 2000 (est.) | 5,850,000 | 94,000 | -- | 76 | |
| FY 2001 (est.) | 6,263,000 | 94,000 | -- | 79 | |
| | <u>APHIS</u> | <u>Coop.</u> | <u>Total</u> | <u>CCC</u> | <u>Contingency Fund</u> |
| Cumulative | 53,001,799 | -- | 53,001,799 | -- | 88,000 |