



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

June 15, 2020

Mr. Kent Leonhardt
Commissioner
West Virginia Department of Agriculture
East State Capitol, Room E-28
1900 Kanawha Boulevard
Charleston, WV 25305

Dear Commissioner Leonhardt:

I am writing on behalf of the Animal Welfare Institute (AWI) to express our concerns regarding the West Virginia Department of Agriculture's (WVDA) enforcement of the state's Livestock Care Standards (73 CSR 1).

Through the submission of public records requests, AWI recently surveyed 16 states that have enacted on-farm animal protection laws and/or regulations. Our goal was to determine whether the provisions of these laws and/or regulations are being enforced, and if so, to what degree (see enclosed report).

AWI received records from the WVDA that consisted primarily of email communications discussing two complaints the State Veterinarian received regarding potential violations of the Livestock Care Standards. Of particular concern to AWI is WVDA's handling of a complaint involving Cattlemen's Livestock Exchange. Based on the communications received, the State Veterinarian was first notified of potential violations in November 2018 by the Animal Health Division's field supervisor who had received a complaint from an employee and an Animal Health inspector who observed the potential violations himself. According to the complaint, livestock at Cattlemen's Livestock Exchange were being held in their pens with mud nearly up to their stomachs, sometimes without access to feed or water, for up to a week or longer. Livestock were also dying in the pens and left there for several days. Photos of conditions at the facility were also provided (see enclosed).

Based on subsequent email communications, it is evident that the WVDA does not have a formal, consistent process for handling complaints and conducting investigations, without which enforcement of the state's Livestock Care Standards is difficult, if not impossible. These communications demonstrate that the State Veterinarian reached out to a number of different local and federal officials over a 3-month period to determine who had the authority to conduct an investigation into conditions at the facility. Inquiries were sent to U.S. Department of Agriculture, (USDA) Animal and Plant Health Inspection Service (APHIS) personnel; USDA Agricultural Marketing Service (AMS) personnel; the Greenbrier Humane Society; the Greenbrier County Sheriff's Office and Animal Control; and the Greenbrier County Prosecuting Attorney. During this time period, the WVDA failed to conduct its own investigation into the complaint to determine whether violations had occurred. The State Veterinarian received yet another complaint in May of 2019 regarding terrible conditions at Cattlemen's Livestock Exchange. However, it appears that a formal investigation of this facility still had not been conducted by the WVDA as of August 2019. As a result, animals likely continued to suffer for an extended period of time.

Under §19-1C of the West Virginia Code, the WVDA has a statutory obligation to ensure the state's Livestock Care Standards are enforced. This cannot occur without a formal process for receiving complaints, conducting investigations, and forwarding violations for prosecution. It is the responsibility of the WVDA to coordinate with all relevant parties, including county humane officers and other local law enforcement authorities, to ensure complaints are properly handled and the standards are enforced.

According to recorded minutes from a Livestock Care Standards Board meeting in August 2015, interest was expressed in holding training sessions for humane officers across the state to ensure they were well informed of the livestock care standards. However, it was determined by the Board that such trainings were not possible at that time. It is unclear whether these trainings were ever held. We recommend WVDA revisit this proposal and work with the Livestock Care Standards Board to carry out training sessions for humane officers across the state. This may be particularly beneficial given that, based on the email communications referenced above, the WVDA has historically faced challenges engaging local law enforcement on matters involving humane handling of livestock.

If coordination with local law enforcement authorities proves unsuccessful, the WVDA has an obligation to work with the Livestock Care Standards Board to seek other legislative or regulatory remedies necessary to ensure the standards can be adequately enforced to protect farm animals.

Thank you for your time and consideration. If you have any questions or would like to discuss this matter further, you may contact me via email (dena@awionline.org) or by telephone (202-337-2332).

Sincerely,

A handwritten signature in cursive script, appearing to read "Dena Jones".

Dena Jones, M.S.
Director, Farm Animal Program

Enclosures