

Unreported Federal Inspections of Commercial Breeding Facilities

Five-Year Courtesy Visits Report, 2018-2022

September 2023

USDA's problematic policy of Courtesy Visits is failing dogs.

Background on Courtesy Visits

The U.S. Department of Agriculture (USDA) is responsible for licensing commercial animal facilities and ensuring licensees meet the standards of care required under the Animal Welfare Act (AWA). The USDA asserts that the primary way they ensure facilities are meeting these standards is through inspections. The USDA does not require inspections to occur with any specific frequency. According to the agency, facilities are inspected at least once every 1-3 years.¹ If at an inspection, a facility is not meeting standards of care required under the law, the inspector would document the violations on an inspection report which is posted publicly on their database² and establish a correction deadline. However, the USDA employs different programs to limit the number of observed violations of the Animal Welfare Act recorded by inspectors. One such program is Courtesy Visits.

Courtesy Visits allow both licensed facilities and businesses seeking to be licensed to request announced, scheduled site visits or phone calls for “guidance or suggestions regarding how to ensure that they are meeting compliance Standards” or “to improve their understanding of the AWA requirements, and to verify that improvements they are making meet compliance Standards.”³ Inspectors can also initiate Courtesy Visits for licensees with repeated Attempted Inspections or to check in on previously identified violations with long correction dates. According to the USDA, Courtesy Visits are “opportunities for Animal Care to provide learning opportunities and build relationships with facilities.”³ During Courtesy Visits, inspectors are directed to “offer to look at areas they are concerned with, and offer suggestions for short and long-term compliance and/or where they can obtain helpful information.”⁴ The USDA does not produce a report of Courtesy Visits.

The USDA conducts Courtesy Visits for unlicensed or applicant facilities to educate them or help them reach compliance before applying or determine if they are conducting regulated activity without a license. However, in addition to this, USDA inspectors conduct Courtesy Visits at facilities already licensed by the USDA. These are facilities the agency has already determined were fit to have a license, who have already agreed to meet the standards required of licensees, and in many cases, have been operating USDA businesses for multiple years and have already had many routine inspections.

Inspectors are prohibited from recording any violations during Courtesy Visits, even when the agency finds what they categorize as direct or critical violations. The agency does not require any follow-up action if the inspector observes violations during the Courtesy Visit.

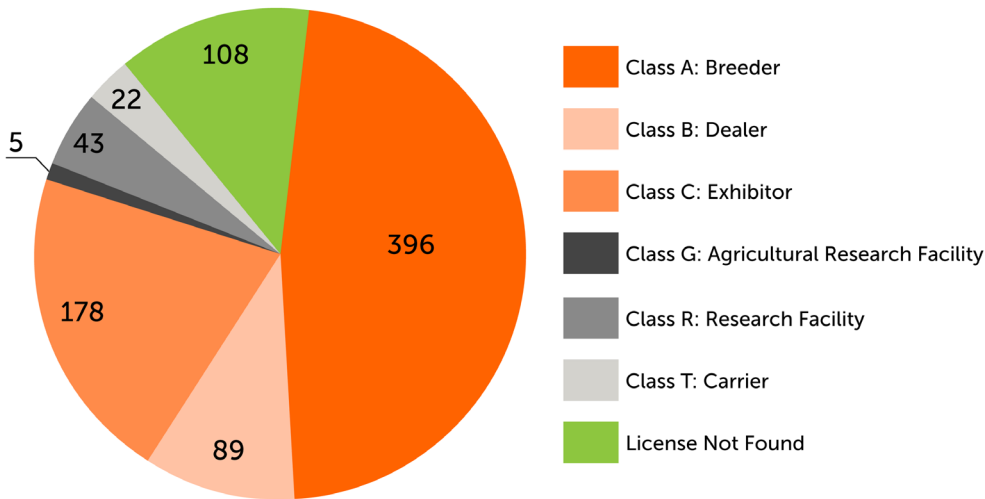
Courtesy Visits have been in use by the agency for many years, but largely without any transparency. The first formal mention of Courtesy Visits appeared in the USDA’s Animal Welfare Inspection Guide in 2018, where it is stated that Courtesy Visits could be used to ensure “compliance is achieved” after a facility received multiple Teachable Moments.⁵ However, it was not until March 2020 that Courtesy Visits were added as a separate section to the Animal Welfare Inspection Guide and described in detail.

The USDA’s Animal Welfare Inspection Guide states that “Courtesy Visits, when used appropriately, can be a valuable tool to improve compliance, and can promote animal welfare at some facilities.”⁶ The agency does not proactively publish which facilities receive Courtesy Visits or any record of what is observed, and to-date has not reported any evaluation of the effectiveness of Courtesy Visits on achieving compliance.

To evaluate if Courtesy Visits are an effective method for ensuring compliance with the Animal Welfare Act, the ASPCA analyzed records of 843 Courtesy Visits conducted by the USDA from 2018 to 2022 provided via Freedom of Information Act.⁷

Analysis of Courtesy Visits

Courtesy Visits by License Type



Overall, Courtesy Visits to licensees and registrants followed a similar pattern to the proportion of facilities of each license type. Class A Breeders received the highest proportion of Courtesy Visits (47%, 396), followed by Class C Exhibitors (21%, 178), and Class B Dealers (10%, 89).⁸

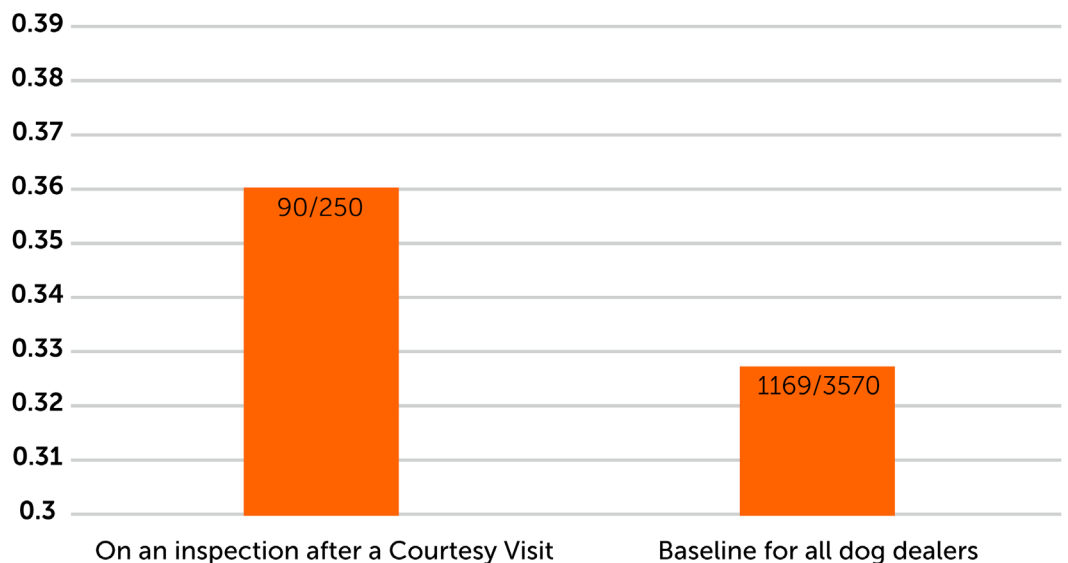
Most licensees or applicants had only one or two Courtesy Visits in the five-year period. However, USDA records show several facilities received high numbers

of Courtesy Visits. SeaQuest, the marine mammal and reptile attraction chain, received the most of any licensee, with 16 separate Courtesy Visits.

The collective category of “dog dealers,” which includes commercial dog breeders and brokers with Class A or B licenses, received nearly half (46%, 387) of all Courtesy Visits. These dog dealers are licensed facilities with routine inspections who the agency is required to ensure are complying with the Animal Welfare Act.

- **36% of dog dealers had documented violations following a Courtesy Visit.**
- **10% of dog dealers had violations on the inspection immediately following a Courtesy Visit.**
- **Dog dealers with Courtesy Visits had more documented violations following a Courtesy Visit than the baseline for all dog dealers during this same time period.**
- **Courtesy Visits do not improve compliance.**

Proportion of Dog Dealers with a Violation



Examples of Courtesy Visits Failing Dogs

There are many examples of Courtesy Visits failing to prevent commercial dog dealers from violating the Animal Welfare Act:



Valleyview Premium Puppies, a facility operated by Lloyd Yoder in Iowa, received a Courtesy Visit in May 2022. Notably, Lloyd Yoder, and his wife Loren Yoder who operated a separately licensed facility at the same address, had been in operation for multiple years with many violations, including severely emaciated dogs, dangerous and filthy housing conditions, and dirty, moldy, and contaminated feeders. Unpublished notes from the Courtesy Visit indicate the visit was two hours long and multiple issues were identified. That did not stop the USDA from renewing his license in July 2022.



Elisa Brandvik, a breeder from Arkansas, received a Courtesy Visit in November 2021, just before she applied for a license. The Courtesy Visit clearly failed to prepare her facility to reach compliance before her pre-license inspections, as she failed both the first and the second pre-license inspections in February and April 2022 for dogs with untreated dental issues and filthy, wet, crumbling, and inadequately sized enclosures. She finally passed pre-licensing on the third inspection, the last chance a facility has before a license denial. Since then, she has continued to have problems in her facility. Inspectors have documented outdoor enclosures with drains full of waste, swarms of maggots on the ground in the facility, outdoor enclosures offering no protection from cold or rain, and dogs without access to food or water.



Daniel Gingerich, a notorious breeder from Iowa, received two Courtesy Visits in the midst of the hundreds of violations he accrued between 2019 and 2022, including starving, emaciated, overheating, dying, and decomposing dogs on his property, as well as repeated attempts to hide dogs from USDA inspectors. These Courtesy Visits did not ensure his compliance with the Animal Welfare Act or meaningfully improve the welfare of the dogs in his facility, and it was not until the U.S. Department of Justice stepped in to orchestrate the surrender of over 500 dogs that any action was taken. By that time, an unknown number of dogs had already died.



Samuel Bortreger from Iowa received a Courtesy Visit in August 2021. Since then, he has been cited for eleven separate violations of the Animal Welfare Act, including dirty, crumbling, and crowded housing, veterinary care issues, and numerous incomplete records.



David Horning from Iowa received a Courtesy Visit in July 2019. On a later inspection report in February 2023, inspectors found a dead puppy underneath an enclosure that had not been noticed by the licensee, as well as another puppy with a consistent head tremor and sores on her paws who was continuously being trampled by her litter mates.



Annette Eccles from Mississippi had a Courtesy Visit in March 2020. At the next inspection in July 2021, inspectors found multiple enclosures with rusty, flaky and broken bars, which was a repeat violation that had been documented prior to the Courtesy Visit. Clearly the Courtesy Visit was unsuccessful at fixing this problem. Inspectors also found a puppy on an uncovered wire floor, an adult nursing female without access to water, and open bags of food with signs of rodent droppings nearby.



Sharon Caruth from Iowa had a Courtesy Visit in August 2021. On the next inspection, just a month later in September 2021, she was cited for one direct and two non-critical violations, including for three dogs with flea infestations so severe they had red, scaly skin that they were scratching at to the point of producing sores. She received an official warning, but no other enforcement action was taken.



Rachel Davis, Vicki Davis, and Virgil Davis from Missouri had a Courtesy Visit in July 2021 following repeat failures to grant inspectors access to the facility. At the very next inspection in December 2021, inspectors found heavy build-up on a dog's teeth, multiple enclosures housing puppies with too little space, and an adult dog without access to water. They were cited for one direct violation and three non-critical violations.



Daniel Wingard from Iowa had a Courtesy Visit in November 2021. The next compliance inspection, which occurred in August 2022, found dogs with dewclaws so overgrown they were curling and a dog with an ear issue that had not been treated properly and who had not been seen by a vet again despite three weeks of non-improvement. He received one direct and one non-critical violation and received an official warning for these violations, but no other action was taken.



Jenina Fortner, a dealer of hamsters, guinea pigs, and dogs, received a Courtesy Visit in December 2021. She had previously been involved in a settlement agreement for violations pertaining to hamsters that had non-weight bearing legs they were dragging behind them. Following the Courtesy Visit, she passed re-licensing and then received a violation three months later for housing three Chihuahuas in an enclosure with standing water contaminated with fecal waste.

Methodology

The Courtesy Visits were received as part of FOIA responses 2021-APHIS-04939-F and 2023-APHIS-03762-F. Courtesy Visits were compiled and tallied across all years covered by those FOIA responses, from January 2018 through May 2023. For this report, only complete years (2018-2022) were included, so 2023 was excluded.

The FOIA responses provided only customer numbers, so certificate numbers, and thus license types, were identified by matching customer numbers to the USDA database of inspection reports. Sixty-eight Courtesy Visits did not have customer numbers listed in the FOIA response and were matched with certificate numbers manually by name in the USDA database where possible. The 13%, or 108 Courtesy Visits, described as "license not found" were comprised of those responses without customer numbers whose name did not pull up any matching records and responses with customer numbers that were not present in the database.

The analysis of effectiveness used only the first FOIA response and ran from February 15, 2018, (the date of the first Courtesy Visit from the first FOIA response) until March 7, 2022 (the date of the last Courtesy Visit from the first FOIA response). There were 336 Courtesy Visits for facilities identified as dog dealers during this time period, which consisted of 263 distinct dog dealers since some dog dealers had multiple Courtesy Visits. Again, Courtesy Visits without customer numbers were matched manually to the database by name and identifying information where possible. Courtesy Visits without customer numbers that did not yield any results in the database or Courtesy Visits with customer numbers that did not pull up a corresponding license in the database were not included.

For this analysis, a violation was defined as any direct, critical, or non-critical non-compliant item (NCI) recorded on inspection reports or any Teachable Moments reported in the USDA database. Violation histories were pulled for each dog dealer with a Courtesy Visit from the USDA database to calculate which dog dealers with Courtesy Visits had at least one violation on at least one inspection report after their Courtesy Visit date and before May 2023, when the data was pulled. This number was only calculated for dog dealers that had posted inspection reports after their Courtesy Visit, so the sample size is 250. Dog dealers with multiple Courtesy Visits were condensed into a single data point where if for any of their Courtesy Visits there was a violation on an inspection report, they were logged as being a dog dealer with a violation after a Courtesy Visit.

To calculate the baseline percentage of dog dealers with NCIs or Teachable Moments, all dog dealers that were active during the same time period as the Courtesy Visits, February 15, 2018, to March 7, 2022, were pulled. Then it was calculated if they had at least one violation on at least one inspection report during the same time frame that that data was pulled for the dog dealers with Courtesy Visits, February 15, 2018, to April 24, 2023.

Endnotes

- https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/ct_awa_risk_based_inspection_system#:~:text=Facilities%20determined%20to%20require%20high,inspected%20about%20once%20per%20year
- <https://aphis-efile.force.com/PublicSearchTool/s/inspection-reports>
- Animal Welfare Inspection Guide, 2022, Section 4.8 "Courtesy Visits", page 103.
- Animal Welfare Inspection Guide, 2022, Section 4.8 "Courtesy Visits", page 105.
- The Teachable Moments program that allowed inspectors to document "minor" violations or non-compliant items (NCIs) separately from the official inspection report. Until 2020, these reports were not proactively disclosed by the agency. Congress directed the agency to end this program, and the USDA ceased issuing Teachable Moments in July 2022.
- Animal Welfare Inspection Guide, 2022, Section 4.8 "Courtesy Visits", page 106.
- The Animal Care Impact Report for Fiscal Year 2018 published by the USDA states that 521 Courtesy Visits were conducted in FY18. The records provided to the ASPCA listed only 2 Courtesy Visits in FY18, excluding October-December 2017. This discrepancy may be due to a non-standardized definition of what constitutes a Courtesy Visit compared to a compliance visit or other site visit, especially as a definition and protocol for Courtesy Visits had not yet been added to the Guide at that time.
- Around 13%, or 108 Courtesy Visits, went to facilities that could not be matched with licenses due to their name or customer number not pulling up any reliable matches in the USDA Database.