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10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 ANIMAL LEGAL DEFENSE FUND, *et al.*,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF
 18 AGRICULTURE, *et al.*,

19 Defendants.

No. 3:17-cv-00949-WHO

**DECLARATION OF KEVIN SHEA IN
 SUPPORT OF DEFENDANTS'
 OPPOSITION TO PRELIMINARY
 INJUNCTION**

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1 I, Kevin Shea, do hereby declare that:

2 1. I currently serve as the Acting Deputy Under Secretary for Marketing and
3 Regulatory Programs (MRP) at the United States Department of Agriculture (USDA). In this
4 role, I oversee the work of the Agricultural Marketing Service (AMS), the Animal and Plant
5 Health Inspection Service (APHIS), and the Grain Inspection Packers and Stockyards
6 Administration (GIPSA). I have been serving as the Acting Deputy Under Secretary for MRP
7 since January 20, 2017.
8

9 2. Prior to that time, since June 18, 2013, I had been serving as the Administrator of
10 APHIS. In my role as the APHIS Administrator, I became responsible for overseeing that
11 agency's mission, which includes protecting the health and value of American agriculture;
12 administering the Animal Welfare Act (AWA) and Horse Protection Act (HPA); and carrying out
13 wildlife damage management activities.
14

15 3. I reviewed the Motion for Preliminary Injunction that Plaintiffs filed in this matter.
16 I am the agency official who decided to temporarily take offline the public search tool database
17 for the Animal Care Information System (ACIS), as well as remove regulatory correspondence,
18 and certain other enforcement information (*i.e.*, administrative complaints, stipulations, and
19 decisions and orders issued by USDA's Judicial Officer and Administrative Law Judges) from the
20 APHIS website in February 2017. I also direct the subsequent re-posting of information, as
21 appropriate. ACIS is an information management database with a public search tool that enabled
22 users to access animal welfare compliance inspection reports, annual reports submitted by
23 research facilities, and information related to persons licensed and registered under the AWA.
24 The search tool was developed to provide the public with easier and more useful access to
25 information within the database – particularly information about entities engaged in AWA-
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1 regulated activities, such as commercial breeding, the public display of animals, the selling and
2 transportation of animals, and the use of animals in research activities.

3 4. Before the February 2017 temporary removal, APHIS posted six categories of
4 information on its website, whether in the ACIS database or in other portions of the site:

5
6 a. *Inspection reports*: These are the written reports of an Animal Care inspector's
7 observations and professional assessments of compliance of regulated entities, such as
8 research facilities, carriers, intermediate handlers, exhibitors, breeders, registered
9 exhibitors, and dealers.

10 b. *Research facility annual reports*: These are the reports submitted each year by
11 each animal research facility to APHIS's Animal Care program. These reports contain the
12 numbers and types of animals used for research purposes during a particular year. Among
13 other things, the reports affirm their compliance with the AWA and the completion of a
14 consideration of alternatives to procedures likely to produce pain or distress in animals.

15
16 c. *Lists of regulated entities*: These include a list of persons engaged in AWA-
17 regulated activities, which APHIS is required by regulation to make publicly available; a
18 list of horse industry organizations; and a list of designated qualified persons who aid in
19 the enforcement of the HPA, which APHIS is required by regulation to make publicly
20 available.

21
22 d. *Regulatory correspondence*: This includes APHIS Form 7060s, which are
23 official warning letters, sent to persons regulated under the AWA or the HPA that notify
24 the person of an alleged violation, thereby providing an opportunity to modify future
25 behavior.

1 reasonably be expected to cause them pain or distress in an attempt to enhance their gait) and to
2 promote fair competition.

3 8. Within USDA, APHIS Animal Care administers and enforces the AWA and the
4 HPA through inspections, education, cooperative efforts, and enforcement. APHIS Animal Care
5 employs staff members with expertise involving animal welfare and husbandry.

6 9. APHIS Animal Care employs approximately 120 inspectors nationwide who
7 conduct compliance inspections and other activities under the AWA and the HPA. With respect
8 to the AWA, Animal Care inspectors conduct unannounced inspections to ensure regulated
9 persons are in compliance with AWA standards and regulations. Higher risk facilities may be
10 inspected as often as every three months, while lower risk facilities may be inspected on a less
11 frequent basis. Inspectors look for compliance with relevant AWA standards concerning housing,
12 ventilation, lighting, sanitation, feeding and watering, adequate veterinary care, and
13 recordkeeping among others.

14 10. Pursuant to the AWA, an inspector communicates any deficiencies to the facility
15 representative and documents any noncompliant items in a written inspection report, including
16 photographs if appropriate. If an issue requires correction, the inspector notes the applicable
17 regulation, a description of the problem, and a deadline to correct the deficiency. If warranted,
18 Animal Care officials also may seek a formal investigation, which is conducted by APHIS'
19 Investigative and Enforcement Services, a staff of approximately 140 employees who provide
20 investigative, enforcement, and regulatory support services to Animal Care and other APHIS
21 programs (*e.g.*, Biotechnology Regulatory Services, Plant Protection and Quarantine, and
22 Veterinary Services). If an investigation or other information results in sufficient evidence to
23 substantiate alleged violations of the AWA, APHIS may resolve the alleged violation through the
24 issuance of regulatory correspondence (such as a letter of information or an official warning) or
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1 through enforcement action, including monetary penalties (of up to \$10,000 per violation), cease
2 and desist orders, and license suspension or revocation, as appropriate.

3 11. If APHIS offers an alleged violator a voluntary settlement agreement (also known
4 as a “stipulation” or a “pre-litigation settlement agreement”) the agreement may involve monetary
5 penalties or other sanctions, and generally contains terms more favorable to the alleged violator
6 than what APHIS would seek through administrative, civil, or criminal action. If the alleged
7 violator accepts the settlement agreement, APHIS does not conduct further investigation with
8 respect to matters involved in the voluntary settlement agreement, but maintains the file in
9 accordance with record retention policies for future reference, as settlement agreements may
10 require follow up should the regulated entity violate its terms or otherwise demonstrate continued
11 noncompliant behavior. If the alleged violator does not accept the settlement agreement, APHIS
12 will typically refer the alleged violations to the Office of the General Counsel with a request to
13 pursue a formal adjudicatory proceeding.
14

15
16 12. Persons who receive AWA compliance inspection reports may also appeal
17 noncompliant items identified in the report, by submitting a detailed, written appeal within 21
18 days of receiving such a report. An Animal Care appeals team reviews each appeal and either
19 makes a decision regarding the final content in the inspection report or requests more information.
20 The content of an inspection report does not constitute a finding of a violation. Although the
21 content of an inspection report may serve as the basis for an alleged violation described in a
22 regulatory correspondence, voluntary settlement agreement, or administrative complaint initiated
23 through the Office of the General Counsel, the inspection report itself, even if modified or
24 affirmed during the inspection report appeal processes, does not have any binding or precedential
25 effect on the agency, nor any effect on regulated persons other than the one who is the subject of
26 the inspection. Only an ALJ or the Judicial Officer, who issues final decisions on behalf of the
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1 Secretary of Agriculture for purposes of judicial review, have authority to conclude that the AWA
2 has, in fact, been violated, as established through the administrative adjudicatory process. *See In*
3 *re: Marilyn Shepherd*, 57 Agric. Dec. 242, 1998 WL 385884, at *27 (1998).

4 13. Both Animal Care enforcement activities and Investigative and Enforcement
5 Services' investigations could result in regulatory correspondence or pre-adjudicatory
6 enforcement actions, which could include:
7

8 (a) An official warning letter (also known as a Form 7060) is an administrative
9 correspondence that notifies an alleged violator of an alleged violation, advises of his or
10 her regulatory responsibilities and possible sanctions, and warns that APHIS may seek
11 civil or criminal penalties if the alleged violation(s) continue; it is not a final decision. An
12 official warning is not issued as part of an adjudicatory process. It has no binding or
13 precedential effect on the agency, nor any effect on regulated entities other than the entity
14 subject to the warning.
15

16 (b) A stipulation is a voluntary agreement reached between an alleged violator and
17 APHIS, which may be either monetary in nature or a non-monetary in nature (also known
18 as a pre-litigation settlement agreement). Potential non-monetary penalties include license
19 revocation or disqualification from participating in certain types of regulated activities. A
20 stipulation notifies an alleged violator of the alleged violation(s), the opportunity for a
21 hearing before an ALJ, and the opportunity to waive the hearing if the alleged violator
22 agrees to a penalty, generally within 30 days. A stipulation is not made as part of an
23 adjudicatory process. A stipulation has no binding or precedential effect on the agency,
24 nor any effect on regulated entities other than the entity subject to the stipulation.
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27 Posting of AWA and HPA Records

1 14. APHIS began posting AWA inspection reports and research facility annual reports
2 on its website in the late 1990s or early 2000s. In the wake of the September 11, 2001, terrorist
3 attacks, the USDA Homeland Security Office directed APHIS to remove the inspection and
4 annual reports from the agency website in March 2002. This was done in response to the
5 Department of Justice's guidance regarding homeland security and sensitive but unclassified
6 documents and in response to concerns expressed by AWA-regulated entities and members of
7 Congress that the internet posting of the reports heightened the threat of domestic terrorism.
8 However, APHIS continued to produce inspection reports and annual reports in paper form in
9 response to FOIA requests.
10

11 15. During approximately 2005-2009 USDA was involved in litigation related to the
12 research facility annual reports. *See Humane Society of the United States v. USDA*, 1:05-cv-
13 00197 (D.D.C. 2005). The lawsuit eventually settled without a ruling on plaintiffs' substantive
14 claims and the agency shortly thereafter resumed posting certain research facility annual reports
15 on its website pursuant to a settlement. The agency also reinstated the practice of voluntarily
16 posting AWA inspection reports on its website around this time.
17

18 16. In approximately 2010, APHIS also began posting on its website AWA and HPA
19 regulatory correspondence (such as official warnings) and enforcement information including
20 pre-litigation settlement agreements, administrative complaints, and decisions and orders issued
21 by ALJs and Judicial Officers (consent decisions and orders, default decisions, initial decisions
22 and orders, final decisions and orders, and dismissal orders).
23

24 17. The agency was proactively posting these documents, without waiting for a
25 specific FOIA request, rather than posting in response to such requests. Later, if posted
26 information was responsive to specific FOIA requests, APHIS generally referred requesters to the
27 website, rather than processing and releasing records already available on the agency website.
28

1 18. APHIS began developing the public search tool for ACIS in or about 2009.
2 Through the public search tool, the public could search for information by various fields,
3 including the name of the regulated entity. This allowed APHIS to provide easier and more
4 readily available public online access to information involving the AWA compliance activities,
5 including: a) list of persons engaged in AWA-regulated activities; b) inspection reports; and c)
6 annual research facility reports.
7

8 19. In addition to the information available within the public search tool, APHIS also
9 posted copies of regulatory correspondence and records related to enforcement actions on
10 APHIS' website – but separate from the public search tool for ACIS. Specifically, these records
11 included the following: a) regulatory correspondence (such as APHIS Form 7060s (official
12 warnings)); b) pre-litigation settlement agreements (also known as voluntary settlement
13 agreements or stipulations); c) administrative complaints; and d) administrative decisions and
14 orders. Again, the agency was proactively posting this information without waiting for a specific
15 FOIA request, rather than posting in response to such requests; and to the extent that posted
16 information was responsive to FOIA requests, APHIS generally referred requesters to the
17 website, rather than processing and releasing records already available on APHIS' website.¹
18

19 20. Between 2012 and 2016, APHIS was considering revisions to its Privacy Act
20 System covering AWA records. In 2016, APHIS initiated a comprehensive review of records it
21 made available through the ACIS public search tool and APHIS' website, including a review of
22 records that may contain personal information implicating the privacy interests of individuals and
23 closely-held businesses.
24

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26
27 ¹ APHIS also made some HPA information available through its website, but such information
28 does not appear to be at issue in Plaintiffs' motion for preliminary injunction.

1 21. Among other things, the agency's concern involving the personal information of
2 persons regulated under the AWA and HPA was reinforced by litigation filed against USDA
3 raising various claims, including under the Privacy Act, based on the public availability of certain
4 records on its website.

5 22. The ongoing comprehensive review seeks to assess how best to harmonize
6 APHIS' obligations under the Privacy Act with its goal of promoting access to information of
7 public interest. For each of the removed records, the agency is determining whether additional
8 redactions may be appropriate. With respect to inspection reports, the agency already protected
9 the names and signatures of facility representatives (but not names of the licensees or registrants))
10 and signatures (but not identities) of APHIS inspectors. The agency is now assessing whether
11 additional redactions may be necessary to protect personal information – for instance, whether the
12 names and addresses of small business owners should be redacted from some inspection reports –
13 so that members of the public cannot identify regulated individuals and where they live.
14

15 23. In late November 2016, during the ongoing comprehensive review, after the
16 agency's involvement in federal litigation concerning the Privacy Act and in an abundance of
17 caution, I decided APHIS should temporarily remove compliance and enforcement records from
18 the agency's public search tool for ACIS and APHIS website, and, prior to re-posting these
19 records, review each of them for privacy concerns in compliance with the Privacy Act and FOIA.
20 Where appropriate, additional redactions of identifying information would occur before re-
21 posting. I never intended my interim decision to reflect a final determination about what should
22 be posted through the public search tool or the website but, rather, intended the action as an
23 interim measure while the agency conducted a review to assess which information would be
24 appropriate for posting to the public website.
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1 24. To conduct the necessary review, among other things, APHIS had to temporarily
2 take the entire ACIS public search tool database offline because, without programming
3 modifications to the system, it was not possible to restrict public access to certain personal
4 information while allowing access to other information. For instance, it was not possible to
5 redact one field of data – *e.g.*, the addresses of the regulated entities – without taking offline the
6 entire public search tool database. Although programming modifications to the public search tool
7 database are now underway, such modifications require detailed information analysis,
8 programming work, and testing before the public search tool database can reliably be made
9 available to the public with the appropriate changes.
10

11 25. Accordingly, on February 3, 2017, at my direction, APHIS took the ACIS public
12 search tool database offline and removed records from the APHIS website involving regulatory
13 correspondence, annual reports for research facilities, and enforcement activities. APHIS issued a
14 public announcement concerning its actions, which it updated on February 7, 2017, to clarify that
15 the access decisions were not final and adjustments may be made regarding information
16 appropriate for re-posting. (*See Ex. A*).
17

18 26. Since the removal of the public search tool for ACIS and the records from other
19 portions of APHIS' website, APHIS has devoted substantial resources to reviewing and re-
20 posting such records. APHIS has made significant progress, but it is an ongoing review process.
21 APHIS Animal Care has been charged with reviewing and re-posting these records. Of its 206
22 employees, roughly 140 Animal Care employees have been involved in this effort in some
23 capacity. Between February 3 and March 10, 2017, Animal Care spent more than 3,500 staff
24 hours on this effort. During this “all hands on deck” period just after removal, the agency had to
25 reorganize its internal work flow to divert resources toward the document review; for instance,
26 APHIS employees not typically involved in FOIA review – including Animal Care inspectors –
27
28

1 were involved in this endeavor, pulling them away, for a time, from their regular Animal Care
2 responsibilities. Since March 10, although fewer employees are involved, almost 300 additional
3 staff hours have been dedicated to the ongoing document review process. I anticipate many more
4 staff hours will be devoted to the effort in the coming months, until the voluminous document
5 review process is complete.

6
7 27. APHIS issued a series of public announcements, which provided updates on the
8 agency's efforts to re-post AWA information. The following outlines the agency's public
9 announcements:

10 a. February 17, 2017: announcing the availability of the first batch of annual
11 reports of research institutions and inspection reports for certain Federal research facilities
12 regulated under the AWA. (*See Ex. B*).

13
14 b. February 24, 2017: announcing the re-posting of inspection reports for certain
15 registrants (including research facilities, and intermediate handlers and carriers that move
16 animals). (*See Ex. C*)

17 c. March 3, 2017: announcing the re-posting of inspection reports for certain
18 exhibitors and dealers (breeders and brokers). (*See Ex. D*).

19 d. March 10, 2017: announcing the re-posting of the 2010-2013 annual reports for
20 research facilities. (*See Ex. E*).

21 e. April 21, 2017: announcing the posting of inspection reports involving certain
22 inspections that occurred between January 10 and March 24, 2017 (*See Ex. F*).

23
24 28. The following summarizes APHIS' efforts to re-post AWA information:

25 a. *Inspection reports*: Through the public search tool for ACIS, APHIS
26 typically made available inspection reports from the three previous years. Of the approximately
27 30,000 inspection reports that were removed from the website, APHIS already has re-posted the
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1 inspection reports of universities, research institutions, and other large businesses (approximately
2 10,000 reports). The remaining inspection reports (approximately 20,000 reports) are under
3 review because of the potential existence of information that potentially implicates the privacy
4 interests of individuals and closely-held businesses. This review is ongoing, and thus, the agency
5 has not made any final decisions regarding these records. As part of the ongoing review, APHIS
6 has been and will continue to review inspection reports that were available through ACIS in
7 February 2017, *i.e.*, reports that were less than three years old; consistent with our practice in
8 February 2017, reports that are more than three years old currently remain available via regularly
9 filed FOIA requests but are not available through ACIS. In addition, APHIS is continuing to post
10 inspection reports from recent inspections. *See* Ex. F.

11
12 b. *Annual Reports of Research Facility (Form 7023)*: APHIS has re-posted
13 all copies of annual reports for research facilities that were previously posted to its website.
14 These include annual reports covering the years of 2000 through 2015, for a total of
15 approximately 11,500 records.

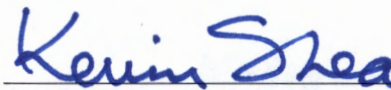
16
17 29. APHIS temporarily removed lists of licensees and registrants, which were
18 formerly available through the public search tool for ACIS, to redact addresses of the licensees
19 and registrants. The lists have since been reposted on the APHIS website and are regularly
20 updated. APHIS thus continues, in accordance with AWA regulations (9 C.F.R. § 2.127) to
21 update and “publish lists of persons licensed or registered in accordance with” the AWA. APHIS
22 also continues, in accordance with the HPA regulations (9 C.F.R. § 11.7), to update and publish
23 lists of certified Horse Industry Organizations and Designated Qualified Persons on its website.

24
25 30. The agency’s review of records involving pre-adjudicatory activity (including
26 official warnings, pre-litigation settlement agreements, and administrative complaints) remains
27

1 ongoing and, thus, the agency has not made any final decisions regarding these records, estimated
2 to be around 2,700 records over the past 3-year period.

3 31. With respect to adjudicatory actions, APHIS used to provide copies of decisions
4 that are already available on the website for USDA's Office of Administrative Law Judges
5 (OALJ); now, APHIS provides a link to that website, so the public may still access final decisions
6 and orders on that website. The public may also request of OALJ directly, through the FOIA
7 process, any docket information aside from decisions and orders.
8

9 Under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), I declare the foregoing to be
10 true and correct to the best of my knowledge, and that this declaration was executed on April 26
11 2017.

12 

13 Kevin Shea
14 Administrator
15 United States Department of Agriculture
16 Animal and Plant Health Inspection Service
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Exhibit A



United States Department of Agriculture

**Animal and Plant
Health Inspection Service**
4700 River Road
Riverdale, MD 20737
Voice 301-851-4100
Web: <http://www.aphis.usda.gov>

Stakeholder Announcement

Updates to APHIS' Website Involving Animal Welfare Act and Horse Protection Act Compliance Information

Editor's Note (Revised Feb. 7, 2017) The review of APHIS' website has been ongoing, and the agency is striving to balance the need for transparency with rules protecting individual privacy. In 2016, well before the change of Administration, APHIS decided to make adjustments to the posting of regulatory records. In addition, APHIS is currently involved in litigation concerning, among other issues, information posted on the agency's website. While the agency is vigorously defending against this litigation, in an abundance of caution, the agency is taking additional measures to protect individual privacy. These decisions are not final. Adjustments may be made regarding information appropriate for release and posting.

For more than a decade, the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has shared information on its website concerning its administration of the Animal Welfare Act (AWA) and Horse Protection Act (HPA). This information includes inspection reports, research facility annual reports, and lists of persons licensed and registered under the AWA, as well as lists of persons licensed by USDA-certified horse industry organizations and associations (HIOs) to inspect horses for compliance with the HPA. More recently, APHIS also began posting AWA and HPA regulatory correspondence and enforcement-related information to its website for the general public to view.

APHIS, during the past year, has conducted a comprehensive review of the information it posts on its website for the general public to view. As a result of the comprehensive review, APHIS has implemented actions to remove certain personal information from documents it posts on APHIS' website involving the Horse Protection Act and the Animal Welfare Act. Going forward, APHIS will remove from its website inspection reports, regulatory correspondence, research facility annual reports, and enforcement records that have not received final adjudication. APHIS will also review and redact, as necessary, the lists of licensees and registrants under the AWA, as well as lists of designated qualified persons (DQPs) licensed by USDA-certified horse industry organizations.

Those seeking information from APHIS regarding inspection reports, regulatory correspondence, and enforcement records should submit Freedom of Information Act (FOIA) requests for that information. Records will be released when authorized and in a manner consistent with the FOIA and Privacy Act. If the same records are frequently requested via the FOIA process, in most instances APHIS may post the appropriately redacted versions to its website. In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) will continue to be available on the USDA's Office of Administrative Law Judge's website (<https://www.oaljdecisions.dm.usda.gov/>)

— [Questions and Answers](#)

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Exhibit B



United States Department of Agriculture

**Animal and Plant
Health Inspection Service**
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Riverdale, MD 20737
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Web: <http://www.aphis.usda.gov>

Stakeholder Announcement

Updates to APHIS' Website Involving Animal Welfare Act Compliance Information

Today, APHIS is posting the first batch of annual reports of research institutions and inspection reports for certain Federal research facilities that the Agency regulates under the Animal Welfare Act. The reports posted are part of a comprehensive review of the documents the Agency removed from its website in early February and are in the same redacted form as before.

To conduct the review, the entire agency search tool database was taken off line. As announced on Feb. 7, 2017, the agency will continue to review records and determine which information is appropriate for reposting.

APHIS is committed to ensuring the welfare of animals and continues to carry out the critical day-to-day work of ensuring the humane treatment of vulnerable animals through unannounced inspections, pre-compliance visits, horse protection inspections, and other activities.

The reposted information can be found on our website, [here](#). In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) will continue to be available on the [USDA's Office of Administrative Law Judge's website](#).

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Exhibit C



United States Department of Agriculture

**Animal and Plant
Health Inspection Service**
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Riverdale, MD 20737
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Stakeholder Announcement

Updates to APHIS' Website Involving Animal Welfare Act Compliance Information

Today, APHIS is posting the inspection reports for registrants (including certain research facilities, and intermediate handlers and carriers that move animals) the Agency regulates under the Animal Welfare Act. The reports posted are part of a comprehensive review of the documents the Agency removed from its website in early February and are in the same redacted form as before.

To conduct the review, the entire agency search tool database was taken off line. As announced on Feb. 7, 2017, the agency will continue to review records and determine which information is appropriate for reposting.

APHIS is committed to ensuring the welfare of animals and continues to carry out the critical day-to-day work of ensuring the humane treatment of vulnerable animals through unannounced inspections, pre-compliance visits, horse protection inspections, and other activities.

The reposted information can be found on our website, [here](#). In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) will continue to be available on the [USDA's Office of Administrative Law Judge's website](#).

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Exhibit D



United States Department of Agriculture

Animal and Plant
Health Inspection Service
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Stakeholder Announcement

Updates to APHIS' Website Involving Animal Welfare Act Compliance Information

Today, APHIS is posting the inspection reports for certain exhibitors and dealers (breeders and brokers) the Agency regulates under the Animal Welfare Act. The reports posted are part of a comprehensive review of the documents the Agency removed from its website in early February and are in the same redacted form as before. APHIS expects it may be several weeks before it will be prepared to issue its next update.

To conduct the review, the entire agency search tool database was taken off line. As announced on Feb. 7, 2017, the agency will continue to review records and determine which information is appropriate for reposting.

APHIS is committed to ensuring the welfare of animals and continues to carry out the critical day-to-day work of ensuring the humane treatment of vulnerable animals through unannounced inspections, pre-compliance visits, horse protection inspections, and other activities.

The reposted information can be found on our website, [here](#). In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) will continue to be available on the [USDA's Office of Administrative Law Judge's website](#).

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Exhibit E



United States Department of Agriculture

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Health Inspection Service**
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Stakeholder Announcement

Updates to APHIS' Website Involving Animal Welfare Act Compliance Information

Today, APHIS is posting the 2010-2013 annual reports for certain research facilities the Agency regulates under the Animal Welfare Act. Since February 17, APHIS has posted such reports for 2000-2009 and 2013-2015. The reports posted are part of a comprehensive review of the documents the Agency removed from its website in early February and are in the same redacted form as before.

To conduct the review, the entire agency search tool database was taken off line. As announced on Feb. 7, 2017, the agency will continue to review records and determine which information is appropriate for reposting.

APHIS is committed to ensuring the welfare of animals and continues to carry out the critical day-to-day work of ensuring the humane treatment of vulnerable animals through unannounced inspections, pre-compliance visits, horse protection inspections, and other activities.

The reposted information can be found on our website, [here](#). In addition, some enforcement records (such as initial decision and orders, default decisions, and consent decisions) will continue to be available on the [USDA's Office of Administrative Law Judge's website](#).

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Exhibit F



United States Department of Agriculture

**Animal and Plant
Health Inspection Service**4700 River Road
Riverdale, MD 20737
Voice 301-851-4100
Web: <http://www.aphis.usda.gov>

Stakeholder Announcement

APHIS Posts New Animal Welfare Inspection Reports

APHIS is posting Animal Welfare inspection reports involving business entities that occurred after the Agency restricted the public's access to the search tool for the Animal Care Inspection System on Feb. 3, 2017, while the Agency conducts a comprehensive review of the information on its website. The newly posted inspection reports involve inspections that occurred between January 10 and March 24, 2017. As part of the comprehensive review of information, APHIS is continuing to closely review animal inventories that accompany inspection reports. For this reason, the newly posted inspection reports do not include animal inventories, though APHIS intends to make information regarding animal inventories available again in the future.

Consistent with the agency's procedures for allowing time to consider and incorporate additional information, as appropriate, developed during appeals of inspection findings, inspections that occurred after March 24, 2017, are not yet ready for release.

#

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