**Obama Administration**

**2010 Report Card on Animal Protection**

**(Listed by Agency, Not in Order of Importance)**

**Positive Presidential Action**

Animal Crush Videos - Signed Animal Crush Video Prohibition Act of 2010 into law

Fur Labeling – Signed Truth in Fur Labeling Act into law

Shark Finning - Signed Shark Conservation Act into law

Food Safety – Signed FDA Food Safety Modernization Act

**Positive Agency Action**

**U.S. Department of Agriculture (USDA)**

Puppy Mill Enforcement – Announced that the agency is taking a tougher stance on enforcement against problematic commercial dog breeders by conducting more inspections and imposing higher fines; voiced support for legislation to close loophole that allows breeders who sell directly to the public to escape Animal Welfare Act oversight; and sought a substantial increase to improve enforcement as part of President’s FY11 budget.

Horse Protection Act Enforcement – Sought significant increase to improve enforcement of the Horse Protection Act as part of President’s FY11 budget. Announced plans to require Horse Industry Organizations to use a USDA-established penalty protocol as the minimum level for enforcement actions beginning 2011. Agreed to take stronger steps to benefit horses in light of the OIG audit findings, including abolishing the industry-led inspection program

Humane Slaughter Oversight – Announced several new actions to improve oversight of the Humane Methods of Slaughter Act, including the establishment of an Ombudsman in the Office of Food Safety to focus on humane handling issues and provide agency employees an avenue to raise concerns; issuance of new procedures to ensure uniform enforcement for immediate humane euthanasia of all downed adult cattle; initiation of the regulatory process and solicitation of public comments in response to an HSUS petition to close the downer calf loophole; request for Inspector General audit of appeals process; and enhanced training modules for inspectors. In addition, created and appointed a Humane Handling Enforcement Coordinator and issued guidelines for video surveillance in slaughterhouses to be used as a supplemental tool not as a replacement for live inspections.

Transparency – Resumed issuing press releases on enforcement actions for violations of the Animal Welfare Act (AWA) and Horse Protection Act (HPA); updated website to accurately reflect changes to the AWA enacted in 2007 and 2008.

Animal Welfare Act Animal Confiscations – Confiscated animals from substandard conditions, including elephants from Indiana and Texas exhibitors and tigers from Indiana tattoo parlor exhibitor.

Slaughter Horse Transport Program­ – Agreed to take steps to close loopholes in the regulation of transport of horses to slaughter, including prohibiting transport by individuals with outstanding fines from previous violations, and ensuring that only qualified USDA personnel and veterinarians are responsible for application of “back tags” and the corresponding USDA certificates issued before horses are shipped across the border to foreign slaughter plants.

Nonhuman Primates – USDA, NIH, and AWIC held a seminar on the psychological well being of nonhuman primates and explained that housing nonhuman primates in social groups is the default method.

Prairie Dogs – Agreed to relocate prairie dogs from a poisoning zone on the border of private land into protected areas deep within Thunder Basin National Grassland. This is the first such effort in Wyoming by the Forest Service.

**Department of the Interior (DOI)**

Snakes – Proposed regulations to list nine species of large constrictor snakes as injurious, prohibiting imports and interstate commerce. NPS and FWS testified in support of the snakes legislation.

Canned Hunts – Repealed a rule allowing canned hunting facilities to kill three endangered antelope species.

Wildlife Poisoning – Postponed plans to poison crows at Cape Cod National Seashore.

Hunting in Refuges – Cancelled plans for new rabbit and snow goose hunting at Prime Hook National Wildlife Refuge

Polar Bears – Designated more than 187,000 square miles of on-shore barrier islands, denning areas, and offshore sea-ice as critical habitat for the threatened polar bear under the Endangered Species Act.

Manatees – Issued emergency rulemaking to expand federal protection areas for manatees in Citrus County, Florida, creating a refuge that includes all of Kings Bay in Crystal River.

Coastal Habitat – Granted more than $19 million to protect coastal wetlands to benefit fish and wildlife on more than 5,900 acres of coastal habitats.

Penguins and Other Birds – Announced a final rule to list five penguin species -- the yellow-eyed penguin, white-flippered penguin, Fiordland crested penguin, Humboldt penguin, and erect-crested penguin as threatened under the ESA. The African penguin was also listed as endangered, as were the akekee and akikiki.

Reptiles – Proposed listing the dunes sagebrush lizard as endangered under the ESA.

White-Nose Syndrome in Bats – Announced six grant awards totaling approximately $1.6 million to investigate the cause of white-nose syndrome in bats.

Tigers – Announced that a petition to delist the tiger failed to present substantial scientific or commercial information indicating that delisting may be warranted.

Wild Horses – Announced that 2011 activities would center not around gathers and holding/adoption, but around gather, treat with PZP immunocontraceptive, and release.

Turtles – Coordinated the collection of 70,000 sea turtle eggs threatened with oil from the Deepwater Horizon spill.  Eggs were trucked to a temperature-controlled warehouse at Florida's Kennedy Space Center.  Once hatchlings emerged, they were placed one-by-one on Florida's oil-free east coast.

**Federal Trade Commission (FTC)**

Fur Labeling – Announced support for and testified in support of the Truth in Fur Labeling Act.

**Department of Commerce (DOC)**

Whales – Commercial whaling moratorium protected at International Whaling Commission meeting.

Harbor Porpoise Risk Reduction – Denied fishing industry requests to delay compliance with harbor porpoise risk reduction measures under Marine Mammal Protection Act.

Sharks – Asserted federal authority under the Magnuson-Stevens Act over the management of smooth dogfish. Provided technical assistance on Shark Conservation Act.

Sea Turtles – After finding unprecedented numbers of drowned sea turtles in the Gulf of Mexico, NMFS announced that it will examine whether shrimp trawling in the southeast United States, including the Gulf of Mexico, is jeopardizing threatened and endangered sea turtle populations.

North Atlantic Right Whales – Found that the HSUS petition to expand critical habitat for right whales was warranted and committed to publishing a proposed rule to expand critical habitat by late 2011. Issued fines to 7 commercial ships accused of violating seasonal speed restrictions designed to protect critically endangered North Atlantic right whales. The fines for the 49 violations ranged from $16,500 to $49,500.

False Killer Whales – Proposed listing under the Endangered Species Act and convened a task force to devise ways of reducing unsustainable levels of death in longline fisheries off Hawai’i.

Bearded and Ringed Seals – Proposed the addition of 6 arctic subspecies to the  Endangered Species Act as threatened species, as their icy habitat continues to be diminished by global climate change.

Western Steller Sea Lions – Issued rules forcing the groundfish fishing fleet farther away from rookeries in Alaska to prevent the fisheries from excessive competition for the fish that are key prey for the sea lions (inadequate prey resources have been implicated in the ongoing declines in Steller sea lions in Alaska.)

Loggerhead Sea Turtles – Proposed to list 9 distinct population segments under the Endangered Species Act as their populations continue to be threatened by human activities, including commercial fisheries and habitat destruction.

**Food and Drug Administration (FDA)**

Nonanimal Alternatives – Joined the Tox 21 partnership to develop ways to more effectively predict how chemicals will affect human health and the environment, reducing the current reliance on animal testing.

Pet Food Safety– Launched a web portal for reporting by consumers and professionals of food safety/product information, including pet food. Supported food safety legislation to authorize mandatory recalls, certification of compliance with U.S. safety standards for imported products, and other strengthening reforms.

**Department of Justice (DOJ)**

Service Animals – Issued a final rule prohibiting wild animals from being used as a service animal under the Americans with Disabilities Act.

Animal Crush Videos – Devoted resources to defend prior animal cruelty depictions law before the Supreme Court; provided technical assistance during drafting of new legislation when prior law was struck down.

**Environmental Protection Agency (EPA)**

Climate Change – Defended agency’s position that greenhouse gas emissions endanger public health and welfare, and continued to press forward on regulatory efforts to curb global warming, in the absence of enacted legislation to comprehensively address climate change.

Birth Control for Pigeons – Removed the “restricted use” classification for OvoControl P, birth control for use in pigeons

Avicide Off the Market – Pending EPA data call-in prompted manufacturer of the avicide Avitrol to permanently cease production and shut its doors.

Nonanimal Alternatives – Began phase two of its ToxCast program and continued its involvement in the Tox21 partnership to develop ways to more effectively predict how chemicals affect human health and the environment, reducing the current reliance on animal testing.

**Department of Defense (DOD)**

Turtle Protection – Naval base fencing modified to prevent turtles from gaining access to a heavily used road, the site of high mortality in years past.

**National Institutes of Health (NIH)**

Nonanimal Alternatives – Continued its involvement in the Tox21 partnership, to develop ways to more effectively predict how chemicals affect human health and the environment, reducing the current reliance on animal testing.

Chimpanzees– Indicated suspension of the transfer of 186 chimpanzees from the Alamogordo Primate Facility, a chimpanzee holding facility in New Mexico, to the Southwest National Primate Research Center, an active research laboratory in Texas where the chimpanzees could have been used in invasive research. The Institute of Medicine of the National Academy of Sciences will be conducting an analysis of the use of chimpanzees for research and NIH will not move or use the chimpanzees at APF for invasive research while the review is being conducted.

**Mixed Agency Action**

**Food and Drug Administration (FDA)**

Antibiotic Overuse on Factory Farms – Testified at congressional hearings that the use of antibiotics in farm animals is an “urgent public health issue” and should be limited to protecting the health of animals (not to promoting faster growth or for injudicious disease prevention). Unfortunately, FDA has so far only sought voluntary industry compliance by issuing a guidance document rather than a regulation, and is limiting its current focus to growth promotion uses, rather than the much larger problem of routine disease prevention uses (antibiotics used to prop up inhumane, unhealthy conditions). FDA is also considering requiring veterinary oversight for all animal agriculture antibiotic use, but seems simultaneously to be considering weakening what that oversight would entail (e.g., no longer requiring veterinarian to see the actual animal).

**Department of Interior (DOI)**

Wild Horses – Proposed dramatic positive reforms in wild horse management for FY2011, but sadly, it has been business as usual in 2010. BLM is removing 12,000 wild horses from the range with no plan in place to prevent the herds from rebounding. Over seven thousand horses were captured during 18 round-ups, resulting in the capture-related deaths of 10 individuals.

Endangered Species Listing – Released its Candidate Notice of Review, an annual assessment of plant and animal species that warrant protection under the ESA. There are currently 251 species of plants and animals on the candidate list. Changes to the list this year included the removal of one species, priority changes to downgrade protections for four species, and the addition of five new species. Compared to George W Bush’s administration, the Obama administration is more aggressively listing species, both plants and animals, under the ESA. In 2010, the FWS and NMFS listed 56 species, whereas the Bush administration only listed 61 species during its entire tenure. In 2003 and 2007, the Bush administration listed as few as 2 species. On the other hand, President Clinton’s administration listed 465 species during its two terms in office (an annual average of 58, which is roughly comparable to the Obama 2010 record).

Wolverines – Concluded that wolverines found in the contiguous United States warrant protection under the Endangered Species Act, but said that a rulemaking to propose the species for protection is precluded by the need to address other higher priority species.

Muscovy Ducks – Protected under the Migratory Bird Treaty Act but also subject to an agency control order. Wildlife agencies and property owners are allowed to “control,” which includes killing, free ranging Muscovy ducks anywhere except three Texas counties, where they are naturally occurring.

**Negative Agency Action**

**National Institutes of Health (NIH)**

Chimpanzees –Funded the breeding of federally owned chimpanzees despite the agency’s proclaimed breeding moratorium.

**Department of Interior (DOI)**

Wolves – Issued a 90-day finding that delisting of wolves in the Great Lakes regions may be warranted. Announced support for an immediate end to federal protections for wolves in the Northern Rockies through unprecedented legislation that would undermine the Endangered Species Act.

White-tailed Prairie Dogs – Denied petition to list the white-tailed prairie dog as endangered or threatened.

**Department of Commerce (DOC)**

Porbeagle Shark – Denied petitions to list porbeagle shark under the Endangered Species Act and to protect porbeagle sharks from commercial and recreational fishing by designating them as a “prohibited species” under the Magnuson-Stevens Act.

Free-ranging Ice Seals – Issued permit for invasive research on free-ranging ice seals without conditions.

California Sea Lions – Allowed states to kill 14 California sea lions for eating salmon near the Bonneville Dam in Washington State.

Pilot Whale Import – Issued an import permit for the purpose of public display for a pilot whale acquired under questionable circumstances, reportedly stranded but possibly from a drive fishery.

**United States Department of Agriculture (USDA)**

Canada Geese – Wildlife Services killed 400 Canada geese in New York in July without notice to the public.

Wildlife Services Poisons – Refused to eliminate the use of the predator poisons sodium cyanide and Compound 1080 and, as shown in documents obtained by HSUS, maintains incomplete and inadequate records pertaining to the use and impacts of these poisons on non-target animals.

Investigation of Orca Trainer Injury and Orca Deaths – A final Animal and Plant Health Inspection Service (APHIS) report of the investigation into a SeaWorld trainer’s death in February has yet to be issued (OSHA issued its report in six months) and the agency found no violations to have occurred after three SeaWorld orcas died in a four month period.

**Environmental Protection Agency (EPA)**

Endocrine testing of chemicals – Rather than using a suite of ultra-fast non-animal tests at its disposal, EPA has chosen to dig in its heels and cling needlessly to obsolete animal tests to screen chemicals for their potential to cause hormone-related disruptions in animals’ growth and reproduction.