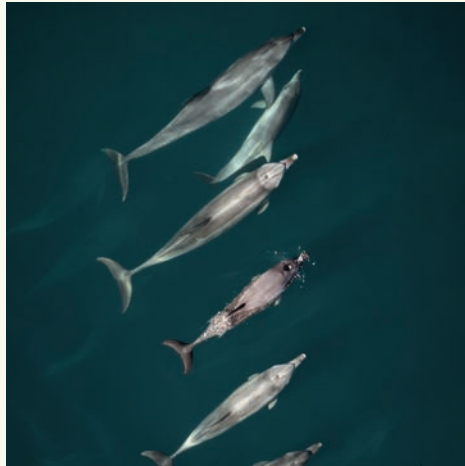




ANIMAL WELFARE  
INSTITUTE



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# YOUR BIPARTISAN ROADMAP TO PROTECTING ANIMALS IN 2025

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# SPEAKERS

Nancy Blaney  
*Director, Government Affairs*

## ANIMAL WELFARE ACT

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Johanna Hamburger, Esq.  
*Director and Senior Attorney,  
Terrestrial Wildlife Program*

## ENDANGERED SPECIES ACT

---

Georgia Hancock, Esq.  
*Director and Senior Attorney,  
Marine Wildlife Program*

## MARINE MAMMAL PROTECTION ACT

---

D.J. Schubert  
*Senior Scientist, Wildlife Biology,  
Marine and Terrestrial Wildlife Programs*

## NATIONAL ENVIRONMENTAL POLICY ACT

Zack Strong, Esq.  
*Director and Senior Attorney,  
Farmed Animal Program*

## HUMANE METHODS OF SLAUGHTER ACT

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Joanna Grossman, PhD  
*Director, Equine Program  
Senior Policy Advisor, Farmed Animal Program*

## OTHER POTENTIAL DEFENSIVE EFFORTS

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Kate Dylewsky  
*Assistant Director, Government Affairs*

## PROACTIVE LEGISLATIVE EFFORTS

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Kim Meneo  
*Digital Engagement Manager*

## AWI ACTION CENTER





# ANIMAL WELFARE ACT (AWA)



# NEED TO DEFEND

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## Potential threats

- Failure to fund
- Prohibiting the use of funds for certain enforcement activities
- Failure to fill vacancies
- Installing new personnel with an antiregulatory mindset

## Options for response

- Appropriations requests
- Enlisting support from individual members of the House and Senate for sufficient appropriations
- Enlisting grassroots support for adequate funding and staffing



# NEED TO FIX

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## Persistent problems with lax enforcement

- USDA changed licensing regime from annual relicensing to requiring **new** licenses every three years — has made things worse instead of better
- Bad actors permitted to stay in business
- USDA fails to confiscate suffering animals

## Options for response

- Animal Welfare Enforcement Improvement Act will be reintroduced
- Other bills we support







# ENDANGERED SPECIES ACT (ESA)



# INTRODUCTION

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## Purpose

To address the extinction of certain species of animals and plants due to economic growth and development, and the declining populations of many other species.

## Rationale

Congress (1) recognized that species are “of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people” and (2) sought to elevate the value of species in decision-making processes.



# HISTORY + IMPLEMENTATION

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## Broad bipartisan support

The bill passed the Senate unanimously and the House of Representatives with only 12 opposing votes. President Nixon signed the bill into law on December 28, 1973.

## Implementation

The law is implemented by the US Fish and Wildlife Service for terrestrial species and by NOAA Fisheries (National Marine Fisheries Service) for marine species.





# LISTING SPECIES

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## “Threatened”

The species is likely to become endangered in the foreseeable future.

## “Endangered”

The species is in danger of extinction.

## Five-factor listing evaluation

1. Destruction, modification, or curtailment of its habitat or range
2. Overutilization for commercial, recreational, scientific, or educational purposes
3. Disease or predation
4. Inadequacy of existing regulatory mechanisms to protect the species and its habitat
5. Other natural or manmade factors affecting the species' continued existence



# CRITICAL HABITAT

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Areas that contain the physical and biological features essential for the species' conservation.

Congress recognized the value of protecting critical habitat, finding that the "ultimate effectiveness of the Endangered Species Act will depend on the designation of critical habitat."



# PROTECTIONS AFFORDED BY THE ESA

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Protecting against “take”—to harass, harm (which includes significantly modifying or degrading habitat), pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animals.

## Federal agency duties

Every federal agency has the duty to conserve imperiled species, which the ESA explicitly elevates over the agencies’ primary missions. No federal agency may authorize, fund, or carry out any action likely to threaten the existence of a listed species or harm its habitat.



# AWI'S WORK TO SAVE LISTED SPECIES

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- **Terrestrial:** Listing petitions, red wolf litigation, CITES, live trade, sport-hunted trophies
- **Marine:** Listing petitions, opposing delisting, CITES, vaquita
- Protecting ESA from congressional and administrative rollbacks



# EFFORTS TO UNDERMINE THE ESA

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Last Congress, there were 115 attacks on the ESA.

## First Trump administration rollbacks

- delistings
- curtailing protections
- reducing consultations
- reducing critical habitat
- eliminating climate change considerations
- relaxing import of sport-hunted trophies







# MARINE MAMMAL PROTECTION ACT (MMPA)



# INTRODUCTION

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## Why protect marine mammals?

- Essential to marine ecosystems but difficult to monitor
- Congress recognized the risk of unnoticed population declines

## 1972 Marine Mammal Protection Act

- Landmark bipartisan law to preserve marine mammals
- Sets a **global standard** for protection and recovery



# KEY PROVISIONS

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## Moratorium

Ban on taking/importing marine mammals and products  
(16 U.S.C. § 1372)

## Definition of “take”

Prohibits harassing, hunting, capturing, or killing without a permit

## Bycatch regulation

Unintentional harm (e.g., entanglement in fishing gear) is also managed



# JURISDICTION, PERMITS, + OTHER GOALS

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## Who enforces the MMPA?

- **NOAA Fisheries (NMFS):** whales, dolphins, porpoises, and most seals
- **US Fish & Wildlife Service:** walruses, polar bears, sea otters, manatees, and dugongs
- **Marine Mammal Commission:** independent federal agency that oversees implementation of the MMPA

## Key protections and permits

- **Ban on import/export** of marine mammals or their products
- **Permits required** for research, public display, and fisheries impacting marine mammals
- **Depleted species protections:** extra restrictions for populations below “optimum sustainable population”



# 1994 AMENDMENTS + FISHERIES BYCATCH (“FISH FIX”)

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- **Structured regulatory approach** replaces inefficient waiver system
- **New incidental take authorization:** categorizes fisheries by bycatch risk
- **Take reduction plans (TRPs):** stakeholder-driven strategies to reduce bycatch
- **Observer programs:** required in high-impact fisheries to collect bycatch data
- **Captivity changes:** oversight of captive marine mammals transferred to USDA’s Animal and Plant Health Inspection Service





# SUCCESSSES, CHALLENGES, + CALL TO ACTION

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## Success stories

- **Northern elephant seal:** recovered from near-extinction (~200,000 today)
- **Humpback whale:** strong population recovery post-whaling bans
- **California sea lion:** thriving due to conservation efforts (~300,000 today)

## Ongoing challenges

- Bycatch, ship strikes, noise pollution, marine pollution, climate change
- **Political concerns:** industry-driven amendments and federal budget cuts

## Call to action

- **Defend the MMPA** from legislative rollbacks
- **Promote wildlife protection policies** through advocacy and education





# NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)



# INTRODUCTION

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- National charter for the protection of the environment
- Passed by Congress in 1969; signed into law by President Nixon in 1970

## Purpose

To promote efforts which will prevent or eliminate damage to the environment and biosphere to fulfill the responsibility of each generation as trustee of the environment for succeeding generations.



# WHY IS NEPA IMPORTANT?

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- Informed decision-making
  - Look before you leap
  - High quality information and accurate scientific analysis
- Consideration of alternatives
- Transparency
- Public input



# HOW IS NEPA IMPLEMENTED?

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Major federal actions affecting the quality of the environment:

- **Environmental Impact Statements:** oil and gas, logging, mining
- **Environmental Assessments:** wildlife management by federal agencies, wild horse roundups
- **Categorical Exclusions**





# WHAT IMPACTS ARE EVALUATED?

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- Wildlife
- Biodiversity
- Animal welfare
- Air and water quality
- Habitat protection
- Ecosystem function
- Climate change
- Environmental justice
- Cultural and historical resources



# HOW HAS AWI USED NEPA TO PROTECT ANIMALS?

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- Submitted informed and substantive comments to agencies:
  - **USDA Wildlife Services:** mountain lions, bears, wolves, coyotes, raccoons, skunks, foxes and many others
  - **National Park Service:** bison, deer, and Canada geese
  - **US Fish and Wildlife Service:** hunting and trapping on National Wildlife Refuges
  - **National Marine Fisheries Service:** whales, sea turtles, and sea otters
  - **Bureau of Land Management:** wild horses and burros
- Filed litigation in federal court



# THREATS TO NEPA

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- Decades of bipartisan attacks to benefit corporations and extractive industries
- Bills introduced in Congress to weaken NEPA



# THREATS TO NEPA

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Based on past actions, the Trump administration is likely to

- Rescind or weaken regulations
- Exempt actions from NEPA review
- Narrow scope of NEPA reviews
- Weaken evaluation of impacts
- Limit opportunities for public input

Leading to

- Poor agency decisions
- Less accountability and transparency
- Habitat destruction and biodiversity loss
- Adverse impacts to protected species, air and water quality
- Removal of your voice in decision-making





# HUMANE METHODS OF SLAUGHTER ACT (HMSA)





# INTRODUCTION

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- The HMSA requires that the slaughtering of livestock and the handling of livestock in slaughterhouses be done using “humane methods.”
- The law defines humane methods of slaughter as those that are “rapid and effective” and render animals “insensible to pain by a single blow or gunshot or an electrical, chemical, or other means.”
- Regulations prohibit inhumane handling (e.g., beating livestock with pipes or pointed objects, excessive use of electric prods, dragging disabled animals).



# SHORTCOMINGS

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- USDA has interpreted the law to apply only to mammalian livestock (e.g., cattle and pigs) and not to avian animals (e.g., chickens and turkeys).
- Birds account for ~98% (**9.5 billion**) of the land animals slaughtered for food in the US each year; mammals account for ~2% (**162 million**).



# IMPORTANCE

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- However, the HMSA is important because it's one of the only federal statutes that offers meaningful protections for farmed animals.
- No federal laws govern the treatment of farmed animals while they are on farms, other than the organic regulations.
- The single law that regulates the welfare of animals during transport is riddled with exceptions and rarely enforced.



# STRENGTHENING ENFORCEMENT

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The lack of federal protections for farmed animals means there are fewer congressional efforts to undermine them. In the coming year and beyond, rather than defensive work, we anticipate working to strengthen HMSA enforcement. Three examples:

- When records indicate repeated abuse, pressure the USDA to permanently suspend inspection of slaughter plants
- When there is evidence of severe cruelty, alert local law enforcement officials and request that they pursue criminal charges
- Litigation (e.g., challenge the USDA if it fails to respond to or arbitrarily denies CO<sub>2</sub> stunning rulemaking petition)



# CUSTOM-EXEMPT SLAUGHTER

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- Custom slaughter occurs when animals are killed for personal or household consumption and not offered for sale to the public.
- It is largely exempt from federal inspection.
- PRIME Act would allow custom-exempt meat to be sold to restaurants, grocery stores, and other retailers within the same state.
- This would greatly expand the market for custom-slaughtered meat and increase the number of animals killed without inspection.



# AGENDA

ANIMAL WELFARE ACT

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ENDANGERED SPECIES ACT

---

MARINE MAMMAL PROTECTION ACT

---

NATIONAL ENVIRONMENTAL POLICY ACT

---

HUMANE METHODS OF SLAUGHTER ACT

---

★ OTHER POTENTIAL DEFENSIVE EFFORTS

---

PROACTIVE LEGISLATIVE EFFORTS

---

AWI ACTION CENTER

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QUESTION + ANSWER





# OTHER POTENTIAL DEFENSIVE EFFORTS





# THE WILD FREE-ROAMING HORSES AND BURROS ACT OF 1971

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- Designed to protect and humanely manage herds; passed in response to wild horses and burros “fast disappearing from the American scene”
- AWI was heavily involved in its passage
- Vast majority of federally protected wild equines are managed by the Bureau of Land Management
- BLM data: off-range holding: 68,097 wild equines; on-range population: 73,520 (est.)



# THE HORSE PROTECTION ACT OF 1970 (HPA)

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- Designed to protect certain breeds of horses from abusive practices known as “soring.”
- Soring involves deliberately inflicting pain on a horse’s hooves to elicit a high stepping gait for competition. It is most commonly associated with Tennessee walking horses to produce what’s known as the “Big Lick.”
- For decades, inspections to detect soring have primarily been carried out by the shows’ own representatives, leading to soring going unreported.
- HPA regulations to clamp down on soring were finalized in May 2024. Importantly, they would eliminate the industry-run self-policing scheme.
- On January 24, the USDA announced that full implementation of the regulations would be postponed until April 2, 2025.



# ORGANIC LIVESTOCK AND POULTRY STANDARDS (OLPS) RULE

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- Provides the only federal standards for the raising and welfare of farmed animals in the United States (animals raised under USDA's National Organic Program).
- Prohibits extreme confinement, requires outdoor access and environmental enrichment, and prohibits certain physical alterations for millions of animals.
- The Obama administration finalized a prior version of the organic rule in January 2017. The Trump administration officially withdrew this rule in 2018.
- The Biden administration finalized the OLPS rule in November 2023. The rule represents a culmination of over two decades of input. AWI was heavily involved in the development of these standards.



# THE MIGRATORY BIRD TREATY ACT OF 1918 (MBTA)

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- Protects over 1,100 species of birds from take, capture, or killing without a permit.
- In January 2021, the Trump administration issued a rule stating that incidental take, capture, or killing due to otherwise lawful activity was exempt from the law, reversing a decades-long government interpretation and numerous court decisions.
- The Biden administration restored MBTA protections in September 2021.
- Allowing the incidental killing of migratory birds would likely lead to the deaths of millions of birds in the coming years.





# PROACTIVE LEGISLATIVE EFFORTS



# POTENTIAL FOR PROGRESS

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## Where can we make progress for animals this year?

- Save America's Forgotten Equines (SAFE) Act
- Child and Animal Abuse Detection and Reporting Act
- Opposing the Cultivation and Trade of Octopus Produced through Unethical Strategies (OCTOPUS) Act
- Developing Alternative Mitigation Systems (DAMS) for Beavers Act
- Strengthening Welfare in Marine Settings (SWIMS) Act
- Captive Primate Safety Act



# STATE LEGISLATION

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- Restrict mink farming and ban the sale of new fur products
- Expand prohibitions on exotic pet ownership
- End wildlife killing contests
- Strengthen coordination between law enforcement efforts related to domestic abuse and animal abuse
- Improve farmed animal care standards by prohibiting practices such as gestation crates and battery cages
- Update fire safety codes to prevent and mitigate barn fires
- Reform aquaculture practices, such as prohibiting net pen fish farming
- Prohibit the use of wild animals in traveling shows







# AWI ACTION CENTER



# TYPES OF ACTION ALERTS

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## Direct letter to members of Congress and other influential individuals

Sending an individual letter to people who represent you.

## Regulatory comments

Commenting on the development of federal regulations and other related documents issued by the US government. Comments are public records published on Regulations.gov.



## Contact Information

AWI does not sell, trade, or share your contact information. Please note that legislators require you to fill in the "prefix" and "phone number" fields, and that available prefix options are determined by the legislative offices, not AWI.

Prefix (required)

First Name (required)

Last Name (required)

Email (required)

Mobile or Home Phone (required)

## Message



Rep. Eleanor Norton

(D-DC-01)

**Subject:** Urge Taiwan to Protect the Critically Endangered Taiwanese White Dolphin

**Dear [[Recipient's Title and Name]]:**

As your constituent, I am writing to express my concerns about the critically endangered Taiwanese white dolphin (TWD) and the need for the Taiwanese government to protect their signature marine mammal. I urge you to reach out to Taiwan on this urgent environmental issue.

## Comment from Meneo, Kim

Posted by the **Council on Environmental Quality** on Sep 1, 2023

[Docket](#) / [Document \(CEQ-2023-0002-0001\)](#) / [Comment](#)



Comment ID  
CEQ-2023-0002-54855



Tracking Number  
llz-3zxs-gyim

[Comment Details](#)

[Submitter Info](#)

Received Date ?

Aug 31, 2023

Comment

I support breaching the four lower Snake River dams and restoring natural flowing conditions that scientists deem necessary to recover the endangered chinook salmon that spawn in the Snake River. Studies show dams are a primary driver of the decline of wild Pacific salmon, hindering passage to, and damaging and destroying, the salmon's spawning grounds. If the dams were removed, thousands of miles of salmon spawning habitat in the Columbia River Basin would be restored.

Today, less than 2% of the 16 million salmon that once migrated to the Columbia River Watershed return each year to spawn. This is unacceptable for local communities and endangered Southern Resident orcas, who depend on wild Pacific salmon for survival. Although the Southern Resident orcas were declared endangered under the Endangered Species Act in 2005, they now have little to eat. They are literally starving to death. With only 75 Southern Resident orcas remaining, the population could be effectively extinct within our lifetime unless it gets more salmon.

We know salmon have successfully recolonized stretches of the Columbia River and its tributaries following other dam removals. Breaching the lower Snake River dams offers the best chance of restoring essential chinook stocks quickly.

# TYPES OF ACTION ALERTS

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## Petition

Adding your name to a list of signatures that are delivered in one batch to decision makers.

## State actions

Take action on state-level initiatives, including letters to state legislators and proposed state regulations.







## Animal Welfare Institute

900 PENNSYLVANIA AVENUE, SE, WASHINGTON, DC 20003 · 202-337-2332 · AWIONLINE.ORG

January 23, 2024

Sandra Eskin  
Deputy Under Secretary for Food Safety  
Food Safety and Inspection Service  
US Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250-3700

Submitted electronically via [fsispetitions@usda.gov](mailto:fsispetitions@usda.gov)

### RE: Support for Animal Partisan Petition (#23-07)

Dear Deputy Under Secretary Eskin,

Please grant the petition filed by Animal Partisan on September 2, 2023 (#23-07). It asks FSIS to publish a notice clarifying that federal law does not necessarily prevent state government officials from bringing animal cruelty charges when farmed animals are abused in slaughter plants. It is a simple request and would require relatively little of the agency; yet, it could significantly improve the welfare of animals at slaughter.

Billions of animals are killed for food in the United States each year. All too often, while they await slaughter and during the slaughter process, these animals are severely mistreated. USDA records describe live birds having their heads, legs, feathers, and wings ripped off. Animals are kicked, dropped, beaten, and held for hours or days without protection from severe weather. Some of these incidents may violate state animal cruelty laws; yet, the USDA does not refer these cases to state law enforcement officials. Further, some local officials incorrectly believe that federal law prevents them from ever charging slaughter plants or personnel with animal cruelty, and the USDA has not dispelled that misguided notion.

I urge you to issue a notice clarifying the law in this regard and the important role that state authorities must play in holding companies and workers accountable when violations of state animal cruelty laws occur in slaughter plants.

Thank you,

Commenter Name	City	State
Rhea Osland	Laurel	IA
Jasmine A	Dublin	CA
Colette A	West Palm Beach	FL
NK A	Pompano	FL
Cynthia A Allen	Lawrenceville	GA
Lisa A Babbitt	Lake Forest	CA
Ryan A Burger	Lincoln	NE
Jo A Cole	Plainview	IL
Patricia A Compton	Gainesville	FL
Kelly A Conger	Foxboro	MA
Jill A Knecht	Canfield	OH
Kevin A Stein	Baltimore	MD
Gail A Thompson	Canton	GA
Elizabeth A Ward	Chicago	IL
Astrid A. Van Der Geest	Thornton	WV
Amber Abascal	San Antonio	TX
Tamara Abashian	Durham	NC
Joan Abbaspour	Stamford	CT
Marie Abbott	Chester	NH
G D Abbott	Olympia	WA
Aliaa Abdel-Gawad	Tucson	AZ
Patrishia Abney	Springfield	MO
Barbara Abraham	Leominster	MA
Ann Abrahamson	Newberg	OR
Ericka Abrams	Aurora	CO
Áurea Abrantes	Fort Lee	NJ
Caryn Ackerman	Bradenton	FL
Judith Ackerman	New York	NY
Peggy Acosta	Womelsdorf	PA
Carlos Acosta	Edwards	CO
Deborah Acquisti	Bloomfield Hills	MI
Joanne Adamis	New York	NY
Patricia Adamo	Staten Island	NY
Marsha Adams	Shelton	WA
Beau Adams	Raleigh	NC
Lucia Adams	Smithtown	NY
Brandi Adams	Queen Creek	AZ
Margaret Adams	Beavercreek	OR
Penelope Adams	Broomfield	CO
Gregory Adams	Palmyra	NJ

# YOUR VOICE IS IMPORTANT!

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## Additional ways to take action

Call your legislators or write physical mail; forward action alerts by email and/or share on social media.





# QUESTION + ANSWER







# Thank you!

FOLLOW US ON SOCIAL

