



AWI REPORT:

Trends in Animal Welfare Act Enforcement

Executive Summary

As documented by the Animal Welfare Institute (AWI) in previous reports, letters to government officials, media outreach, and articles in the *AWI Quarterly* magazine, the US Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) has a long history of ineffective efforts to ensure Animal Welfare Act (AWA) compliance by breeders, dealers, exhibitors, and research facilities. Important current events, including a global pandemic, two changes in presidential administrations, and a potentially consequential US Supreme Court decision have prompted a new analysis by AWI of actions taken by the agency since 2020 to encourage compliance with the AWA.

Such actions can be broadly categorized as (a) enforcement actions—including those resulting in the issuance of fines, and (b) official warnings, which are attempts to motivate compliance with the law without resorting to enforcement actions. During the height of the COVID-19 pandemic (2020 and the first half of 2021), predictably few enforcement actions or official warnings appear in the records; once the pandemic subsided, numbers of both were much higher.

However, following the June 27, 2024, Supreme Court decision in *Securities and Exchange Commission [SEC] v. Jarkesy* (hereinafter, “*Jarkesy*”)—in which the court held that the Seventh Amendment right to a jury trial applied to assessment of fines by the SEC—the data show a precipitous drop in the issuance of fines, falling below the number issued even during the height of the pandemic. Indeed, the data indicate only five fines were issued in the 14 months after the *Jarkesy* decision, compared to 63 in the 14 months before this decision. Of these five, one was issued after the second Trump administration took office on January 20, 2025.

Meanwhile, the issuance of official warnings has increased in inverse proportion to enforcement actions. In the year before *Jarkesy* was decided, official warnings constituted 66% of all actions taken by USDA-APHIS against alleged AWA violators; in the year following the decision, official warnings constituted 91% of actions taken. Together, these data suggest that the *Jarkesy* decision had a chilling effect on the issuance of fines by USDA-APHIS and led to an increase in official warnings issued in lieu of more effective enforcement actions. Fines have not halted completely, however, indicating that although the *Jarkesy* decision may have led to fewer fines being issued, it has not resulted in a complete cessation of USDA-APHIS enforcement activities.

Background

USDA-APHIS, through its [Animal Care program](#), is responsible for inspecting the facilities of AWA licensees and registrants and enforcing compliance with the law. USDA-APHIS can take various actions against alleged AWA violators. These can be broadly categorized as (a) enforcement actions (i.e., settlement agreements, notices of penalty, license suspensions, confiscations, and formal administrative proceedings that are initiated by a complaint and result in a “decision and order”) and (b) official warnings, which are attempts to motivate compliance with the law without resorting to enforcement actions. (See Appendix A for a more thorough explanation of each action type.) Settlement agreements, notices of penalty, and decisions and orders may impose fines on the facility.

As AWI has chronicled in reports, letters to government officials, media outreach, and *AWI Quarterly* articles, enforcement of the AWA by USDA-APHIS has historically been lackluster and ineffectual. The USDA [Office of Inspector General](#) (OIG)—whose roles include to “promote economy, efficiency, and effectiveness” and “investigate, detect, and prevent fraud, waste, and mismanagement” within the department’s programs and operations—has acknowledged this reality in a number of audit reports spanning decades. The OIG’s 1995 and [2005](#) audit reports on USDA-APHIS’s inspection and enforcement activities both found that fines issued by USDA-APHIS for AWA violations were so inconsequential that violators considered them to be “a normal cost of conducting business rather than a deterrent for violating the law.” Similarly, the OIG’s [2010](#) audit report on problematic dog breeders concluded that USDA-APHIS’s enforcement process was ineffective against these dealers, that violations were not adequately reported (and thus failed to support enforcement actions), and that the agency misapplied guidelines in order to lower penalties for AWA violators. Incredibly, in its [2014](#) report on oversight of research facilities, the OIG found that “APHIS revised its penalty worksheet at least 4 times from October 2010 to February 2012” and that, as a result, “total monetary penalties were *lower* than those calculated by prior worksheets” (emphasis added). Based on the OIG’s [2025](#) report on commercial dog breeders, it appears that these deficiencies have not been resolved in the intervening 15 years. This report noted that APHIS officials cited budgetary constraints and staffing shortages in the face of an overwhelming workload as issues impacting investigation and enforcement processes. The report concluded that “inconsistent and untimely inspections” by USDA-APHIS may result in continued AWA violations.

Habitual lax enforcement by USDA-APHIS may, at times, be further impacted by major societal events. For instance, AWI previously documented a steep decline in AWA enforcement actions and official warnings during the first Trump administration (2017–2021) compared to previous years. (See, e.g., articles in the [summer 2019](#) and [spring 2021](#) issues of the *AWI Quarterly*.) In addition,

the COVID-19 pandemic led to nationwide stop-work orders and lockdowns, causing much of the country's activities—including AWA inspections—to come to a screeching halt.

While the operational impacts of the pandemic appear to have largely abated, President Trump's return to office raised the possibility of a dip in AWA enforcement against alleged violators similar to that seen during his first term (a dip that began two years before the pandemic). Various media reports have also speculated on whether the US Supreme Court's *Jarkesy*¹ decision—issued seven months before the second Trump administration took office—affected the agency's willingness or ability to issue fines against alleged AWA violators.

To explore the possible impact of the court decision and changes in administration on AWA enforcement, AWI analyzed the entire publicly available record of actions taken by USDA-APHIS against alleged AWA violators and organized the data into time periods connected to the events. We also provided a more granular analysis of actions taken in recent months, breaking down fines issued on a month-by-month basis in the 14 months before and after the *Jarkesy* decision.

Methods

AWI gathered data on AWA enforcement actions and official warnings by USDA-APHIS primarily from the agency's [Animal Welfare and Horse Protection Actions](#) searchable online database (hereinafter “database”). These data were downloaded from the database on August 15, 2025, and supplemented with new entries as they appeared until time of publication. The database does not include any of the agency's AWA-related activities prior to January 2020, thus restricting our analysis to the period from January 2020 to the present.

At time of analysis, the database was found to contain many errors, including mislabeled actions (e.g., a document labeled as a settlement agreement was revealed to be an official warning when opened), inaccurate document attachments (e.g., a linked document was found to pertain to a different institution than the one labeled), and broken document links. We supplemented our search for decisions and orders with documents obtained from the USDA's [Office of Administrative Law Judges Decisions](#) website and WestLaw. Where relevant records were unavailable due to errors in the database and the correct documentation could not be located through other sources—such that we were unable to ascertain what, if any, enforcement actions or official warnings occurred—these cases were excluded from our analysis. (See Appendix B for an analysis of database errors and excluded cases.) USDA-APHIS may have corrected some of these errors by the time of this report's publication, but we did not adjust our August 15 dataset with these possible changes.



Fines and official warnings were singled out for more in-depth review for two reasons. First, the *Jarkesy* decision specifically pertains to the imposition of fines. Second, official warnings offer an interesting comparison to fines, since they are the actions most often used by USDA-APHIS, but ones that (as discussed below) appear to lack meaningful effect. The database does not provide raw data indicating the number of fines assessed; thus, data on fines² were aggregated from settlement agreements, notices of penalty, and decisions and orders.

To document long-term trends in enforcement in relation to important current events, we created data sets to coincide with the dates of three such events: the *Jarkesy* decision (June 27, 2024) and two changes in presidential administration (January 20, 2021, and January 20, 2025). As such, much of our data are divided into periods that represent the “early” part of each year (January 20 – June 26) and “late” part of each year (June 27 – January 19). While this division enabled us to better assess the potential implications of these events, it also resulted in each one-year period being broken down into two uneven segments: a roughly five-month “early year” period and a roughly seven-month “late year” period. Caution should be taken, therefore, in making one-to-one comparisons between early-year and late-year periods. Data from July and August 2025 were not included in this part of the analysis because they do not encompass a full period. However, we also analyzed fines issued in the 14 months before and after the *Jarkesy* decision, and this analysis includes data up to August 26, 2025.

Results

Trends in number of fines and official warnings issued: January 20, 2020 – June 26, 2025

As shown in Figure 1, relatively few fines and official warnings were issued from early 2020 through early 2021, which encompassed the height of the COVID-19 pandemic. From late 2021 to late 2023, the number of fines issued per period ranged from 8 to 22, and the number of official warnings ranged from 74 to 112. Fines reached a peak of 38 in early 2024 before dropping sharply to four in late 2024 and to zero in early 2025; during this same timeframe, official warnings sharply increased and remained relatively high, ultimately hitting a peak of 123 in early 2025. Figure 1 includes data through the most recent full period, ending June 27, 2025. (Not shown in Figure 1: 1 additional fine and 39 official warnings issued between June 27, 2025, and time of publication.)

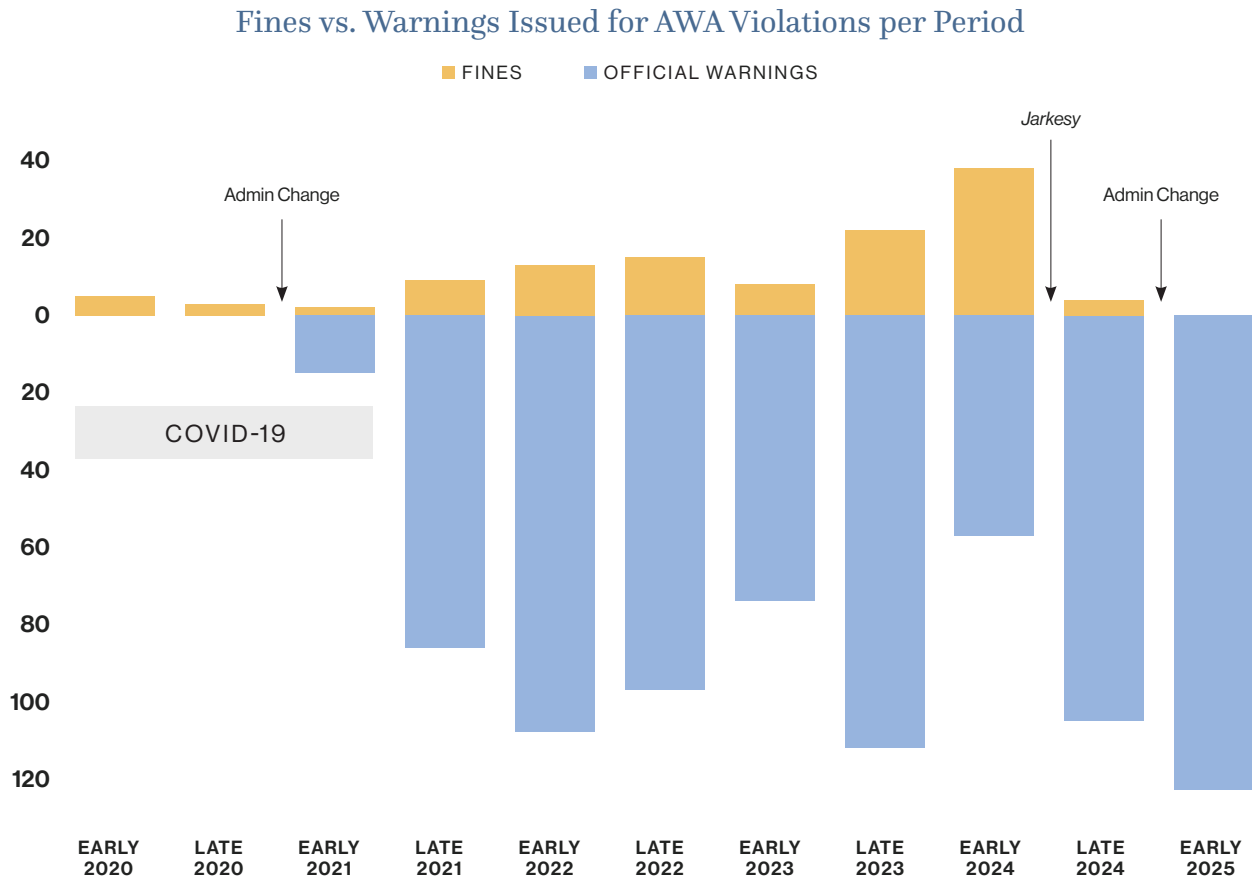


Figure 1: Number of official warnings relative to fines issued by period in the context of important current events. Fines assessed through settlement agreements, notices of penalty, and decisions and orders. Each early-year period encompasses January 20–June 26 (~5 months), and each late-year period encompasses June 27–January 19 (~7 months).

Trends in number of fines issued: April 27, 2023 – August 26, 2025

A more granular look at the number and type of fines issued in the 14 months before and after *Jarkesy* reveals that a dramatic drop in fines occurred immediately after the court’s decision. As shown in Figure 2, during the 14 months preceding the decision, at least one fine was issued each month, with multiple fines issued in 11 of those months. In contrast, in 11 of the 14 months following the decision, no fines were issued, and only one month saw multiple fines issued.

Number of Fines Issued per Month



Figure 2: A closer look at the number of fines (by type) issued per month relative to important current events. See Appendix A for discussion of enforcement types and the difference between stipulated fines in settlement agreements (in lieu of formal administrative proceedings) and consent decisions (after a formal administrative complaint).

Number of official warnings vs. enforcement actions: January 20, 2020 – June 26, 2025

After the height of the COVID-19 pandemic, official warnings have accounted for the majority of all actions taken in each period, representing a larger percentage than all enforcement actions (administrative complaints, confiscations, license suspensions, settlements, and decisions and orders) combined. Following the *Jarkesy* decision, official warnings’ proportion of total actions increased even more, making up 87% percent of all actions taken in late 2024 and a staggering 95% in early 2025, for a combined proportion of 91% in the year following the decision. In comparison, official warnings constituted 58% and 71% of total actions during the previous two periods, respectively, for a combined proportion of 66% in the year immediately prior to the decision (see Figure 3).

Proportion of Warnings and Enforcement Actions Relative to All Actions

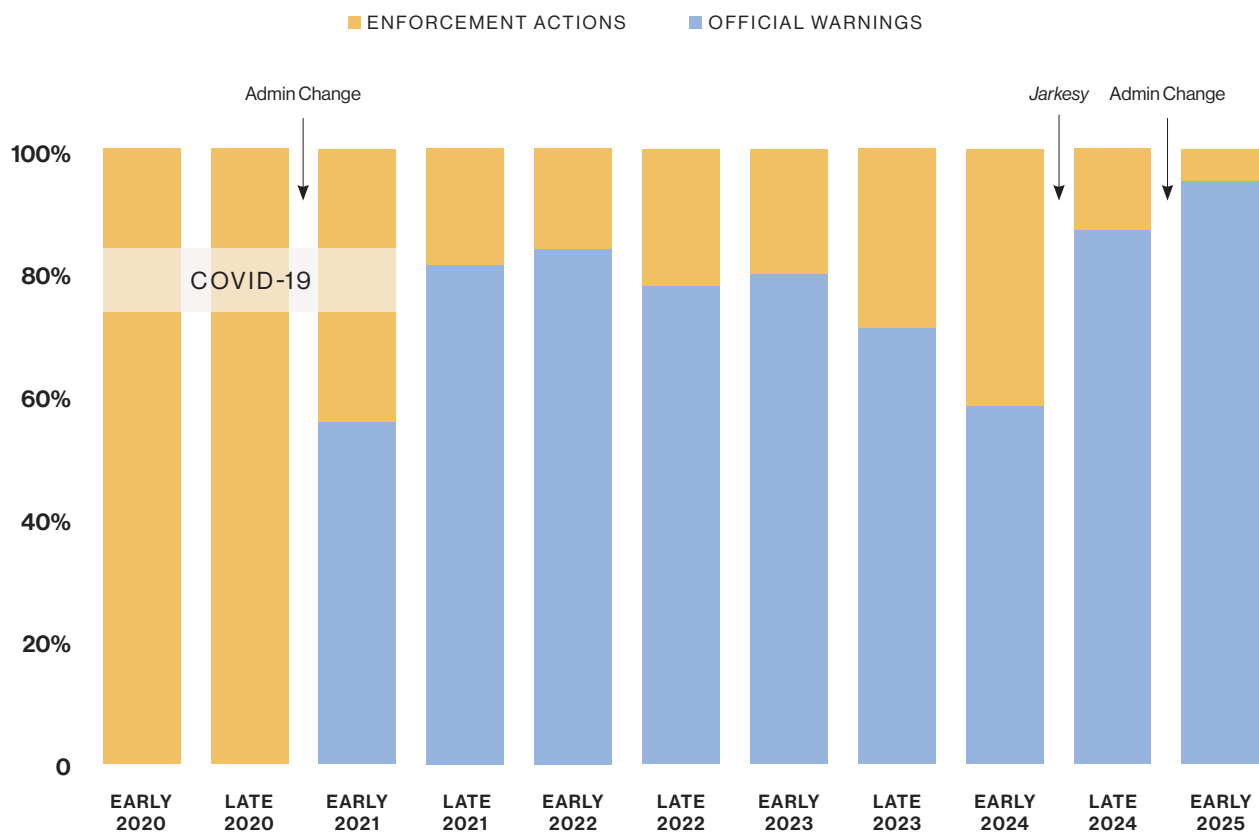


Figure 3: The proportion of official warnings and enforcement actions relative to all actions by period, with timing of important current events noted. Each early-year period encompasses January 20–June 26 (~5 months), and each late-year period encompasses June 27–January 19 (~7 months).

Discussion

This analysis revealed two main findings:

- (1) Since late 2021, USDA-APHIS has issued more official warnings than all enforcement actions combined.
- (2) Since the *Jarkesy* decision, the number of fines issued has dropped precipitously, with nearly all actions taken against alleged AWA violators now consisting of mere official warnings. No other timeframe in the publicly available data assessed herein has seen such a low level of fine issuance—including during the height of the COVID-19 pandemic.

This shift away from fines toward official warnings is deeply troubling, because there are serious questions as to the efficacy of official warnings. USDA-APHIS [indicates](#) that an official warning “is *not* ... an enforcement action,” and that “rather, the purpose of official warnings ... is to provide notice of the legal requirements and information to *promote compliance* with the law” (emphasis added). However, evidence suggests that official warnings are not effective at improving compliance with the law. As [animal law scholar Delcianna Winders](#) put it, “Economic models of public enforcement suggest that warnings have no role in motivating compliance.” Winders’ case study of facilities that received official warnings in 2011 suggests that warnings do not act as a deterrent in a high proportion of cases, “indicating that the regulated community may not perceive the warnings as a credible threat.”

The sharp decrease in issued fines and the shift toward official warnings may disproportionately impact animals in laboratories, because the issuance of fines appears to be one of the primary enforcement mechanisms available to USDA-APHIS against research facilities. Under the AWA, only dealers, exhibitors, and breeders are subject to license revocations and criminal penalties, in part because research facilities obtain only a registration, rather than a license, from USDA-APHIS. According to our analysis, none of the five fines issued since *Jarkesy* was levied for activities carried out under a research registration.

COVID-19

The number of actions taken against alleged AWA violators during the height of the pandemic was predictably low (see Figure 1), since many facilities were temporarily closed or operating on modified schedules, and routine USDA-APHIS inspections were severely curtailed. USDA-APHIS stated at the time that it was [limiting routine inspections](#) based on its assessment of the risk to inspectors and facility personnel, including the ability to maintain social distancing, and that it

was [prioritizing investigations](#) of “extreme Animal Welfare Act violations that could lead to the confiscation of animals.” Inspections were not conducted in states or localities with shelter-in-place orders. Indeed, only 5,620 AWA inspections were conducted in [2020](#) and only 7,670 in [2021](#), compared to around 10,000 per year in [2022](#), [2023](#), and [2024](#).

The issuance of more fines than official warnings (eight vs. zero, respectively) during early and late 2020 likely reflects the fact that fines are often issued at the conclusion of an administrative proceeding that involves either an administrative law judge, a USDA judicial officer, or a federal court. This process can take months or years. Official warnings, in contrast, do not involve the courts and are typically issued within weeks after USDA-APHIS becomes aware of the violation (typically during an inspection). Thus, the proceedings that resulted in the fines issued in early and late 2020 were likely initiated before the pandemic for alleged violations that were documented during inspections that also occurred before the pandemic.

This reality notwithstanding, it is important to note that the number of AWA actions (including fines and official warnings) taken by USDA-APHIS had already [plummeted](#) in the two years prior to the pandemic compared to previous years. As the pandemic subsided—which also coincided with a change in administration—the number of issued fines and official warnings returned to levels seen during the latter years of the Obama administration (2014–2016), up until the precipitous drop following the *Jarkesy* decision on June 27, 2024.

SEC V. JARKESY

The Supreme Court concluded in *SEC v. Jarkesy* that parties accused of securities fraud are entitled under the Seventh Amendment to a jury trial when the SEC seeks to impose a civil monetary penalty (i.e., fine). Since the SEC’s internal administrative process does not provide for a jury trial, this decision effectively curtailed the SEC’s ability to issue fines by this mechanism.

The *Jarkesy* decision may be relevant to USDA-APHIS because, in imposing fines against AWA violators, it too uses an internal administrative process that does not provide for a jury trial. The court’s decision in *Jarkesy* is not automatically applicable to USDA-APHIS’s enforcement of the AWA, however, and there is some precedent to support distinguishing USDA-APHIS’s AWA enforcement scheme from that employed by the SEC.³ Still, [animal protection advocates](#) and [others](#) have since expressed the view that the decision would likely be construed by the executive branch (and others, potentially) to limit USDA-APHIS’s ability to impose civil monetary penalties. As reported in *Science*, one anonymous USDA-APHIS manager appears to have [confirmed these](#)

[speculations](#), stating that “*Jarkesy* has hamstrung us the most” and “we have an inability to do anything, even when we see bad stuff.”

Consistent with these reports, our analysis demonstrates a precipitous drop in fines post-*Jarkesy* (see Figure 2), suggesting the decision may indeed have resulted in a chilling effect on USDA-APHIS’s issuance of fines. Although fines have historically been underused by the agency, they had nonetheless been generally trending upward after the COVID-19 pandemic, before reversing course in late 2024, coincident with the *Jarkesy* ruling.

Importantly, even though the number of fines has dropped since *Jarkesy*, the number of official warnings has not seen a similar decrease. Instead, the number of issued warnings has continued its usual pattern of fluctuations (see Figure 1) even as its proportion relative to enforcement actions has increased (see Figure 3).

CHANGES IN PRESIDENTIAL ADMINISTRATIONS

Previous analyses by AWI and others have demonstrated that changes in presidential administrations can impact AWA enforcement efforts. As noted above, enforcement efforts declined steeply during the first Trump administration. According to reports, an emphasis on “education” rather than enforcement that began during the Obama administration accelerated under President Trump, as USDA-APHIS officials told inspectors to treat regulated entities “[more as partners than as potential offenders](#).” At the time, a number of individuals who left the agency reportedly indicated that “the more lenient approach has curtailed inspectors’ ability to document violations and has put animals at risk.”

Due to the removal of AWA enforcement actions from the USDA’s website from before December 2019,⁴ AWI was unable in this report to analyze longer-term trends in enforcement across different administrations. Furthermore, the first year of the Biden administration, which began in January 2021, coincided with a subsiding of the COVID-19 pandemic and a resumption of many government activities; therefore, it is difficult to draw solid conclusions about the potential impact of the changed administration on the increase in enforcement actions that followed.

Our data demonstrate a precipitous drop in fines and a proportional increase in official warnings immediately following the *Jarkesy* decision in 2024, *before* the administration change on January 20, 2025. Although correlational, this provides support for the notion that the *Jarkesy* decision

had an immediate and significant effect on AWA enforcement, above and beyond the effect of the change in administration.

Of the five fines issued since *Jarkesy*, four were issued during the final late-year period of the Biden administration and one during the (still ongoing) first late-year period of the second Trump administration. Therefore, it appears that neither *Jarkesy* nor the current administration have completely halted USDA-APHIS's issuance of fines. Indeed, post-*Jarkesy* administrative and federal court decisions have suggested that the decision would not apply to certain fines assessed by USDA-APHIS for Horse Protection Act violations (see footnote 4).

It is important to note, as discussed above, that there can be a delay between initiation of enforcement actions and actual imposition of fines. In other words, the agency's recommendation that an alleged violator be fined may occur months or even years before the review process ultimately concludes with a decision to impose the fine. This means that fines that were imposed post-*Jarkesy* may have resulted from processes or proceedings initiated pre-*Jarkesy* and that fines issued in one administration may have been initiated during another. While the initiation dates of enforcement actions are not always known, we do know that the most recent fine (imposed via consent decision and order), resulted from a formal administrative complaint signed in June 2025, both post-*Jarkesy* and post-administration change. Continued analysis in the months and years to come will be important to determine whether fines continue to decline once all fines initiated prior to these events are accounted for. It is also possible that USDA-APHIS will continue to include fines as part of settlements in which the recipients consent to payments in lieu of other enforcement efforts.

Findings in the Wider Context

USDA-APHIS's oversight and enforcement of AWA violations have historically been ineffective, as documented by AWI and by the USDA's own OIG over decades. USDA-APHIS has long been understaffed, and this problem is only getting worse as the number of facilities the agency is charged with inspecting continues to increase while the number of inspectors decreases. From 2021 to 2024, the number of licensees and registrants grew from 11,785 to more than 17,500. The number of actual inspections performed by USDA-APHIS, however, has not kept pace. In 2021, 7,670 inspections were performed (1 inspection per 1.5 facilities); in 2024, around 9,700 inspections were performed (1 inspection per 1.8 facilities). The diminished number of inspections per facility likely stems from the agency's [shrinking workforce](#): in the last several years, USDA-APHIS has lost more than one-third of its inspectors, including about 15% in the first few months of 2025.

For research facilities, inspections that do occur are not always thorough. In 2019, USDA guidelines were quietly altered to mandate that inspectors conduct only [partial inspections](#) of research facilities that obtain private accreditation from AAALAC International,⁵ unless the facility itself requests a full inspection. That is, instead of looking at the institution's facilities, records, and animals each year, inspectors may only look at one of these categories (inspecting another category the following year) or only at a sample of each. This means that animals subjected to experimentation at AAALAC-accredited facilities may actually be observed by USDA-APHIS inspectors only once every three years.

These issues notwithstanding, USDA-APHIS could still pursue enforcement actions against facilities it does find to be in violation of the law. Yet, as our analysis has shown, historically weak enforcement appears to be getting weaker. Indeed, while fines issued by USDA-APHIS for AWA violations often appear to be too minimal to effectively deter violations of the law, they at least represent *some kind* of enforcement action, unlike official warnings. AWI's analysis of the trends in actions indicates that the issuance of fines against alleged AWA violators is at its lowest level since early 2020, with only five fines issued in the 14 months since *Jarkesy* was decided—fewer than during a similar timeframe at the height of the COVID-19 pandemic. Meanwhile, USDA-APHIS's actions against alleged AWA violators have shifted almost entirely to the issuance of official warnings that themselves carry no repercussions.

Conclusion

The data presented in this report are correlational, and caution should be exercised in attributing causation. Nonetheless, it is clear that the situation for AWA-covered animals who are bred, transported, sold, exhibited, or experimented upon in the United States is alarming. Since the *Jarkesy* decision in June 2024, USDA-APHIS's issuance of fines against AWA violators has hit its lowest point since early 2020 (even lower than pandemic-era levels), with the majority of actions having shifted away from enforcement and toward the issuance of mere warnings.

For animals in laboratories, the situation is especially grim. Since 2019, research facilities that receive private, third-party accreditation have been subject only to partial rather than full USDA-APHIS inspections, and in the event that these facilities are found in noncompliance and the agency does issue a fine, those fines are generally so low that they are widely regarded as a normal cost of conducting business rather than a deterrent for violating the law.

Ineffectual as fines may be at the levels historically assessed, the issuance of fines nonetheless appears to be one of the primary enforcement mechanisms available to USDA-APHIS against noncompliant research facilities, since research facilities are not subject to license revocations and criminal penalties. Yet, since the *Jarkesy* decision, we have identified no fines issued for activities carried out under a research registration.

Overall, *Jarkesy* appears to have had a chilling effect on the issuance of fines to AWA violators but has not, at least to date, resulted in a total cessation of enforcement actions. Historical evidence suggests that the second Trump administration may be a contributing factor in the decline of oversight and enforcement, but it is too early to draw definitive conclusions about its impact.

Appendix A

USDA-APHIS's AWA Official Warnings and Enforcement Actions Explained

USDA-APHIS professes to enforce the AWA primarily through inspections. Noncompliances found during inspections “typically” lead to the agency “giv[ing] the facility a date by which to correct those items.”⁶ When licensees or registrants fail to take corrective action to come into compliance with the law thereafter, an investigation may begin. If such an investigation reveals AWA violations, it may give rise to an action.

Official Warnings: An official warning “is a notification to an individual or company regarding an alleged AWA violation. The letter warns that any *further infractions* may result in more serious consequences such as a civil penalty or criminal prosecution” (emphasis added). Official warnings are not enforcement actions, but rather are used when USDA-APHIS chooses “not to pursue a civil penalty or formal administrative action,” where evidence of an alleged violation has been substantiated.

Settlement Agreements: Settlement agreements, also referred to as stipulations, are agreements reached between alleged violators and USDA-APHIS, which may involve stipulated monetary or nonmonetary penalties, and allow alleged violators to agree to a penalty in lieu of formal administrative proceedings. The agency uses settlement agreements “in cases where the evidence substantiates that a violation occurred, and ... APHIS determines that a penalty is appropriate.” Via settlement agreements, alleged violators are notified of the violation(s) alleged, the opportunity for a hearing before a USDA administrative law judge (ALJ), and the opportunity to waive the right to such a hearing by agreeing to the stipulated penalty. USDA-APHIS considers a case closed once an alleged violator accepts and meets the terms of the agreement.

Formal Administrative Proceedings: Serious or chronic violations may result in formal administrative cases, which may be resolved by license suspensions, revocations, cease-and-desist orders, civil penalties, or a combination thereof. USDA-APHIS refers some such cases to the USDA Office of the General Counsel (OGC), with a recommendation to file a formal administrative complaint alleging the violations and requesting an appropriate remedy.⁷ If the OGC determines, after a review of the evidence, that “there is reason to believe a violation of an APHIS-administered law has occurred,” it files an administrative complaint on behalf of the agency to initiate a formal adjudicatory administrative proceeding. If the OGC files such a complaint, it

may offer the alleged violator an opportunity to settle the case by a consent decision (agreed to by USDA-APHIS and the alleged violator), or present the case to an ALJ for adjudication. Final orders are issued by (1) an ALJ based on evidence presented in the proceeding by both USDA-APHIS and the alleged violator, (2) a USDA judicial officer upon appeal of an ALJ's initial decision, or (3) a federal court on appeal from a decision issued by the judicial officer.

Appendix B

Errors in the USDA-APHIS searchable database

AIMS AND METHODS

We opened each of the 1,172 documents in the [Animal Welfare and Horse Protection Actions](#) searchable database and recorded the following information: the law being enforced (e.g., AWA, HPA); the type of action specified on the document (e.g., official warning, decision and order); and the date on the document.

We then made the following determinations: whether the law enforced was accurately reflected in the License Category column; whether the action was accurately reflected in the Enforcement Type column; and the number of days between the date in the Date column and the date on the document.

RESULTS

As shown in Table 1, of the 1,172 actions posted in the database, 85 (7%) contained errors (one error in 83 entries; two errors in 2 entries).

TYPE OF ERROR	NUMBER OF ENTRIES WITH ERROR
Missing document (broken link)	28
Wrong document (incorrect institution or duplicate document)	26
Wrong law	6
Wrong action	23
Duplicated entry	2

Table 1. Type of errors, and the number of times they occurred, in the USDA-APHIS Animal Welfare and Horse Protection Actions searchable database.

When an entry wasn't linked to a supporting document (i.e., broken link), we could not ascertain whether the information in the database was correct. Of the 28 entries that had a missing document, 6 were filed as decisions and orders, 2 as administrative complaints, and 20 as official warnings. Three of these 28 were for HPA-related issues and the others for AWA-related issues.

We determined that the wrong document had been linked when the organization name on the document did not match the organization name for that entry in the database (2 cases) or when the linked document was a duplicate of a document linked to another entry in the database, for the same organization but on a different date (24 cases). An example of the latter would be an official warning for organization X dated July 1, 2024, linked to two separate entries for organization X: one for July 1, 2024, and another for October 15, 2022.

Four entries in the database were filed as HPA in the License Category column when they were in fact for the AWA. Three entries filed as AWA were for the HPA, and one filed as AWA was for the Plant Protection Act (PPA).

Finally, the type of action listed in the database’s Enforcement Type column was sometimes mismatched with the type of action in the linked document. These included 12 listed as official warnings (2 were actually complaints, 9 were decisions and orders, and 1 was a settlement agreement), 7 listed as decisions and orders (all were official warnings), 3 listed as administrative complaints (all were official warnings), and 1 listed as a settlement agreement (it was an official warning).

In 21% of cases, the date on a document linked to AWA actions—representing the date the document was issued (official warnings, settlement agreements), stamped and received (decisions and orders, administrative complaints) or dated at the top (suspensions, confiscations)—did not match the date in the database’s Date column (Table 2).

	NUMBER OF DOCUMENTS	MEDIAN DIFFERENCE IN DAYS	RANGE DIFFERENCE IN DAYS
Dates matching	821	0	0
Date in database is before date on document	128	6	1–29 (plus an outlier at 366)
Date in database is after date on document	92	26	1–158

Table 2. Number of days between the date on the document and the date in the database’s Date column. Only dated AWA actions were included in this analysis (1,039). Thus, it excluded 27 entries without a supporting document, 26 entries with the wrong document, 2 duplicate entries, 65 documents for the HPA, 1 for the PPA, and 2 documents that were undated.

Note: On August 20 and 21, 2025, AWI informed APHIS (via email to the APHIS webmaster) of several errors and omissions within the searchable database. APHIS responded via email and stated that its “team is working diligently to review and correct the table.” The error rates above, therefore, are subject to change as APHIS identifies and corrects discrepancies in the data.

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FOOTNOTES

1. In *Securities and Exchange Commission v. Jarkesy*, the US Supreme Court held that the right to a jury trial applies to the Securities and Exchange Commission’s assessment of civil monetary penalties (fines) for securities fraud, rendering the agency’s use of internal administrative process for assessing those fines unconstitutional. The decision was, on its face, unrelated to AWA enforcement, but its potentially broad implications have raised concerns about whether the USDA’s use of internal administrative processes for assessing fines for alleged AWA violations is constitutionally sound. 603 U.S. 109, 144 S. Ct. 2117 (2024).
2. Both civil monetary penalties assessed through decisions and orders and those stipulated in settlement agreements were considered “fines.”
3. For instance, courts have cast doubt on the applicability of the *Jarkesy* decision to the Horse Protection Act (HPA), another animal welfare statute enforced by USDA-APHIS. In *In re: Derek Monahan and Eddie Tuck*, USDA Administrative Law Judge Tierney Carlos suggested that *Jarkesy* would not apply to the HPA enforcement action at issue due in part to its animal-welfare-based purpose. (HPA Dockets No. 24-J-0015 & 16, December 18, 2024). More recently, on August 19, 2025, a federal district court in North Carolina dismissed a lawsuit against the USDA that was based in part on the *Jarkesy* decision and the Seventh Amendment right to a jury trial as applied to the HPA, citing similar reasoning. *Manis v. U.S. Dep’t of Agric.*, No. 1:24-CV-175, 2025 WL 2404985, (M.D.N.C. Aug. 19, 2025).
4. The database contains two HPA-related actions from December 2019. As noted in the Methods section, the database’s earliest AWA-related actions are from January 2020.
5. Formerly the Association for Assessment and Accreditation of Laboratory Animal Care.
6. [USDA-APHIS Animal Welfare Act Enforcement](#) webpage. (All quoted text in this appendix is was taken from this webpage or the agency’s [Enforcement Summaries](#) webpage.
7. A referral to the OGC may also recommend that the OGC refer the case to the Department of Justice for civil or criminal prosecution.

COVER PHOTO: BPRETORIUS | PAGE 4: KRITHNARONG