

# Exclusive: US probe of dog breeder scrutinizes why USDA left thousands of beagles to suffer

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WASHINGTON, March 9 (Reuters) - Top animal welfare officials at the U.S. Department of Agriculture (USDA) were subpoenaed last year by a federal grand jury seeking to establish why they took no action against animal research breeder Envigo (NOTV.O), despite repeatedly documenting the mistreatment of thousands of beagles, according to several people familiar with the matter.

A deputy administrator of the USDA's Animal and Plant Health Inspection Service (APHIS), Dr. Elizabeth Goldentyer, and its animal welfare operations director, Dr. Robert Gibbens, were ordered to appear before a grand jury in the Western District of Virginia as part of a criminal investigation by the Department of Justice (DOJ) into Envigo, the sources said.

Envigo, a major U.S. animal research breeder, shuttered its Cumberland, Virginia facility last year after the Justice Department searched it and seized more than 4,000 beagles in May 2022. The company later settled civil charges alleging it had shown a "disregard" for the dogs' welfare, and agreed to forfeit the beagles.

The Justice Department's decision to subpoena government witnesses who would normally testify voluntarily to help build the government's criminal case was highly unusual, according to a half-dozen legal and animal welfare experts.

The decision to exclude APHIS - the federal regulatory agency responsible for conducting compliance inspections at animal facilities across America - from the May 2022 search of the Envigo facility was also extraordinary, the experts said.

“That is not only unheard of, that is orders of magnitude out of normal,” said V. Wensley Koch, a retired 30-year veteran of APHIS.

Prosecutors asked Goldentyer and Gibbens, who appeared in November and August, respectively, about their management of the Envigo inspections and why they did not take any action against the company, despite the extensive documented evidence of violations, several of the sources said.

Reuters was not able to determine how they responded to the questions.

Spokespeople for the USDA and APHIS declined to comment, citing the ongoing investigation.

Goldentyer and Gibbens declined to comment through an APHIS spokesperson, but in a previously unreported October letter to U.S. senators Mark Warner and Tim Kaine of Virginia, the agency said it had "worked diligently to improve animal welfare at Envigo."

Spokespeople for the Justice Department and the U.S. Attorney's office for the Western District of Virginia declined to comment, as did the USDA inspector general's office.

To piece together a picture of how APHIS operates, Reuters relied on more than 800 pages of internal documents obtained through a public records request by the animal rights group, People for the Ethical Treatment of Animals (PETA), public government watchdog reports, inspection records, and interviews with animal welfare experts.

The documents, which have not been previously published, show a sharp divide between top officials and inspectors over how to handle the litany of problems that successive inspections found at the Envigo facility over a period of months.

The inspectors wanted APHIS to take a tougher stance against the company for the mistreatment of the beagles.

It is too early to determine where the subpoenas will lead since the grand jury's primary goal is to determine whether to bring criminal charges against Envigo or its executives for animal welfare violations, obstruction of the USDA, making false statements and defrauding the United States, according to a court filing.

The subpoenas and the nature of the questions show that prosecutors are also investigating possible wrongdoing by APHIS leaders, including Goldentyer and Gibbens, several of the sources said.

The APHIS inspectors who documented dozens of violations at Envigo in 2021 and 2022 were also compelled last year to appear before the grand jury, where they were asked about possible flaws with the inspection process and were ordered to provide all records related to Envigo, according to sources who spoke anonymously because the matter is not public.

The actions by those inspectors are not under scrutiny, one of the sources added.

## **INTERNAL STRIFE**

Between July 2021 and March 2022, inspectors documented more than 60 violations during four visits to Envigo's Cumberland facility, public records show. More than half were deemed "direct" or "critical" violations. Direct violations indicate an animal is facing immediate harm.

Problems included dangerous flooring, failing to provide veterinary care, unsanitary conditions, euthanizing dogs without anesthesia, under-feeding mothers nursing puppies and failing to document the cause of death for hundreds of puppies.

APHIS policy states that inspectors who find a "direct" violation must return for a follow-up inspection within 14 days.

Yet, this did not happen with any of the agency's inspections of Envigo, public records show.

APHIS leaders and inspectors sometimes disagreed about what details should be included in their reports and how resources should be deployed, emails show.

Lead inspector Rachel Perez-Baum asked APHIS leaders in September 2021 to increase staffing and send four or five inspectors for a planned October inspection due to problems such as "uncooperative facility management" and "poorly managed and incomplete records."

But Gibbens and other APHIS leaders declined, saying in an email that due to "optics" and the risks of COVID-19, the team needed "to be limited to three."

Her supervisor, Dana Miller, agreed with Perez-Baum, and made a final plea to send inspectors in pairs, after Envigo's staff "attempted to recant" their statements by claiming inspectors misunderstood them.

The three inspectors found more "direct" violations in the October inspection, public records show.

Perez-Baum and Miller declined to comment.

Daphna Nachminovitch, a senior vice president at PETA, warned APHIS that month about problems at Envigo following an undercover investigation by the animal rights group. She now says she believes the agency failed to do its job.

APHIS "must be held accountable for its failure to enforce the law," she said.

A spokesperson for biopharmaceutical company Inotiv, which acquired Envigo in November 2021, said the company is "fully cooperating" with the Justice Department and no longer sells or breeds dogs.

Envigo "places the highest priority on the welfare of the animals in our care and looks forward to an appropriate resolution of DOJ's ongoing investigation," the spokesperson said, declining to discuss the probe or prior USDA inspections.

## **TENSIONS RISE**

Tensions between Gibbens and Miller escalated shortly after Envigo appealed some of the findings from the October inspection, emails show.

Miller expressed concerns after learning that Gibbens and other appeal review team members planned to side with Envigo by striking two of four contested citations from the final report.

One removed citation faulted Envigo for interfering with the inspection by providing "false information" and ordered the company not to "interfere with, threaten, abuse ... or harass any APHIS official."

Gibbens told Envigo APHIS would strike the citation because the company ultimately provided the requested information.

Less than a year later, however, federal investigators told a judge they had probable cause to believe the company made false statements and obstructed the USDA in their search warrant application.

Reuters could not determine why APHIS never took action against Envigo, nor referred it to the Justice Department. APHIS has authority to confiscate animals, revoke or suspend licenses, and pursue fines through negotiated settlements or administrative proceedings.

Internal records show APHIS initiated a probe into Envigo in 2021. In early 2022, APHIS leaders discussed entering a civil settlement with Envigo, emails show, but no action was ever taken.

## **TEAM LEADER REMOVED**

Tensions peaked between APHIS leaders and inspectors after a 107-  
page report from a third inspection in November 2021 was rescinded by APHIS managers, who ordered the inspection team to edit it down to 22 pages.

The move caused consternation among some inspectors and led several employees to file complaints to the USDA's inspector general, sources familiar with the matter said.

One of the complaints, seen by Reuters, alleged the report was cut after lawyers for Envigo contacted Deputy Administrator Goldentyer. Reuters was unable to determine why the report was trimmed.

While the final public report contains the same citations as the 107-page draft, it is missing many of the details to back them up, a comparison of the two documents show.

Among the cuts: graphic details about faulty euthanasia practices and detailed accounts of dog-fighting behavior deemed "extremely abnormal for the breed."

As inspectors prepared for another inspection last March, Miller emailed staff to tell them Goldentyer was removing her from supervising Envigo inspections. Miller said she was disappointed but offered no explanation.

"O.M.G.," inspector Kelly Maxwell responded in an email, adding that removing Miller was "pretty extreme."

Maxwell declined to comment.

The March 2022 inspection uncovered five violations, two of which were "direct."

APHIS did not follow up until May 3, when inspectors cited Envigo for one violation: Failing to fix the dangerous flooring.

Two weeks later, federal agents executed the search warrant where they found 446 dogs in "acute distress" and in need of immediate veterinary treatment.