

United States Senate

WASHINGTON, DC 20510

December 7, 2016

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Vilsack:

In the final month of the current Administration I strongly urge you to finalize a rule setting Thresholds for De Minimis Activity and Exemptions from Licensing under the Animal Welfare Act. This rule has been in development for over two years and it is past time for the Administration to act.

The United States Department of Agriculture (USDA), at your direction, wisely stayed implementation of the Animal Welfare Act Contingency Plan Final Rule after it was highlighted that such a plan would require a Missouri magician to develop and submit a comprehensive disaster plan to cover the care of his lone rabbit. While staying the rule was the most sensible approach available to the USDA at the time, it highlighted the absurdity of the USDA requiring a magician to have a license for his rabbit that was part of his magic show.

Recognizing the absurdity of the situation, Congress included in the 2014 Farm Bill an amendment to the Animal Welfare Act (AWA). This provision gave the USDA the authority to exempt de minimis commercial activity from the requirements of the Animal Welfare Act and ultimately the licensing and disaster plan regulations that have been promulgated under that Act.

Despite its inclusion in the 2014 Farm Bill, the USDA only proposed a de minimis definition in August 2016, over two years after being given the authority. This delay is frustrating given the relatively simple nature of the task.

Apart from the delay, I am also concerned that the USDA's proposed de minimis definition does not go far enough in excluding operations that by any rational standard are truly de minimis. Specifically, I am concerned that the above referenced magician wouldn't be exempted from the current proposal due to the limitations on income and the number of days exhibition is allowed.

The idea that any magician who keeps a single rabbit or other common animal at home needs federal government license to do so flies in the face of common sense and can serve only to alienate well-meaning citizens from the many important roles and functions of the federal government. Therefore I urge you to finalize a rule to clearly exempt these operations that have no business being regulated by the Department.

Sincerely,



Claire McCaskill
United States Senator

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