Enforcement Summaries

Last Modified:

Investigative and Enforcement Services' Enforcement Summaries provide a summary of the enforcement actions APHIS has taken to help promote compliance with APHIS-administered laws. It is important to recognize that these enforcement actions are just one tool APHIS uses to promote compliance, and this tool is only one aspect of the Agency's mission to protect the health and value of American agriculture.

APHIS has a number of available options to resolve a case in which the evidence substantiates that an alleged violation has occurred. These options include issuing regulatory correspondence (such as an official warning) to the individuals or businesses involved in the alleged violation; offering to resolve the case through a stipulated penalty; and referring the case to the USDA Office of the General Counsel for formal administrative action before the USDA Office of Administrative Law Judges or referral to the U.S. Department of Justice. The Enforcement Actions tabs below describe the various types of enforcement actions APHIS took during fiscal year 2024 and show the distribution of those enforcement actions among the APHIS programs.

Enforcement Actions and Regulatory Correspondence

Expand All

APHIS Overall

APHIS Investigative and Enforcement Services' open inventory of cases involve investigative, enforcement, and regulatory support services for the four APHIS programs it serves, as well as for agricultural quarantine inspection activities carried out by the Department of Homeland Security's Customs and Border Protection. A case may involve one or more individuals or businesses.

In fiscal year 2024, APHIS Investigative and Enforcement Services opened 1,283 new cases; issued 535 warning letters; entered into 606 pre-litigation settlement agreements resulting in the collection of $1,947,817 in stipulated penalties; and obtained, through Office of the General Counsel action, Administrative Orders assessing $829,179 in civil penalties.

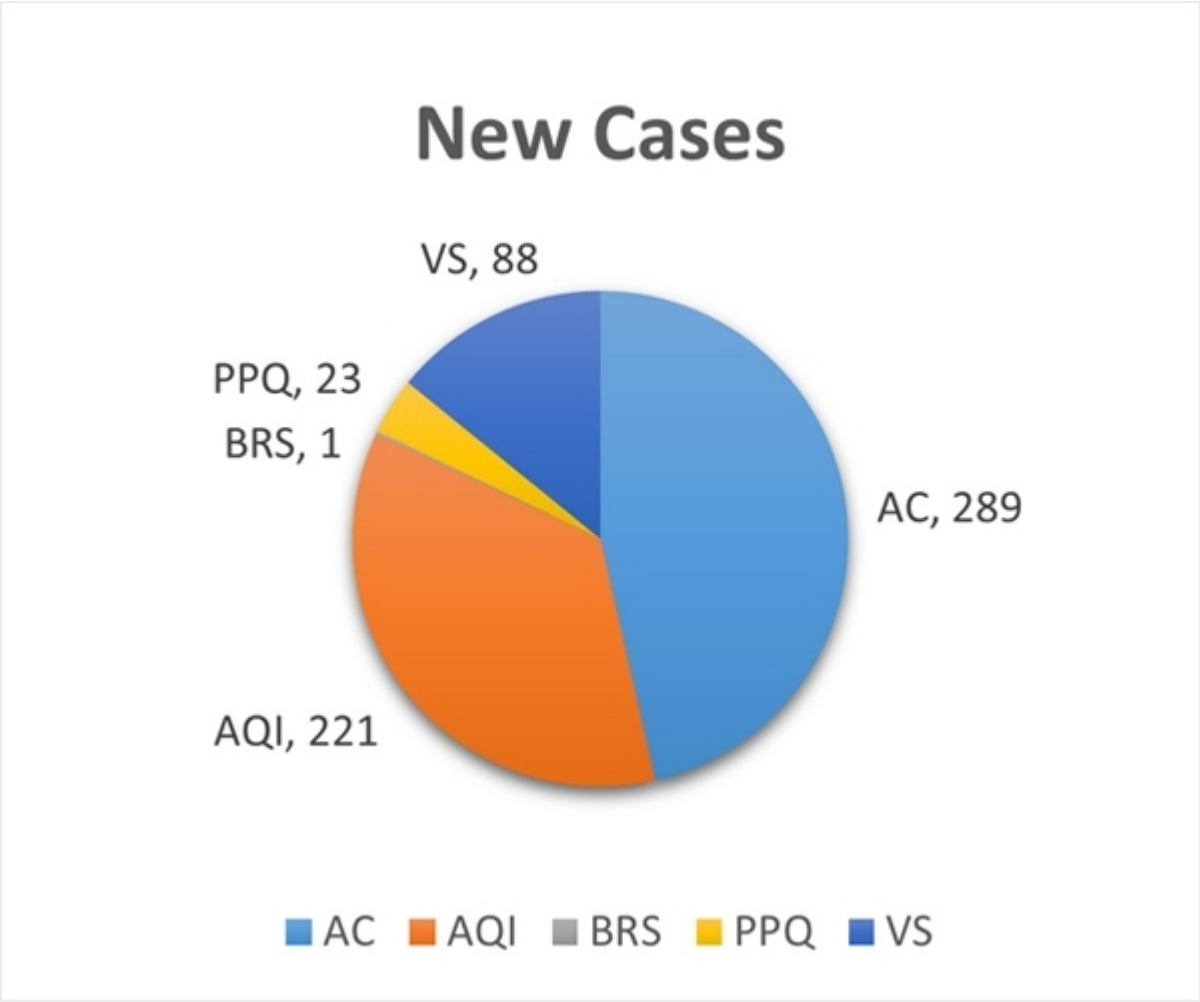
New Cases

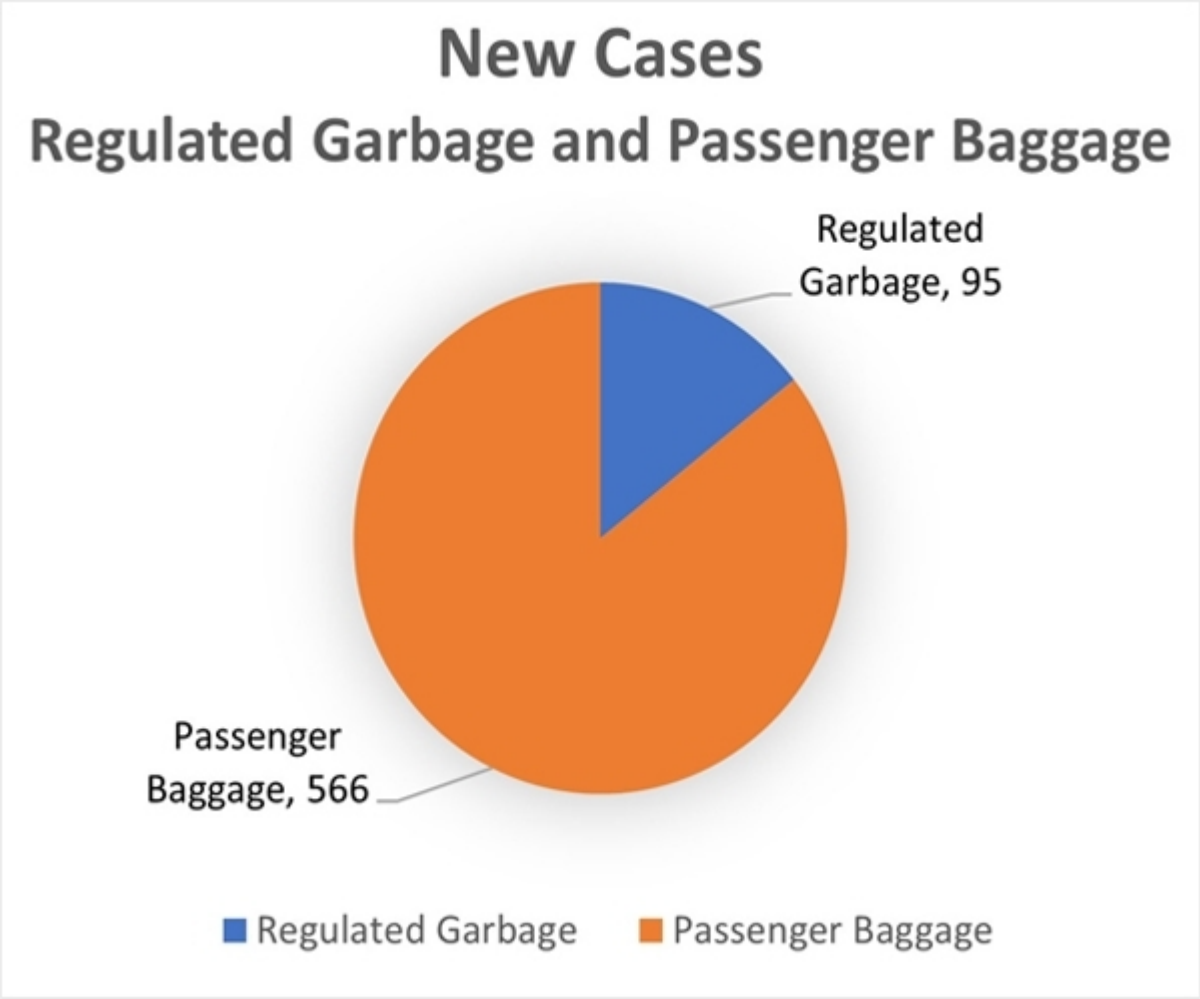
APHIS Investigative and Enforcement Services cases involve investigative, enforcement, and regulatory support services for the four APHIS programs it serves, as well as for agricultural quarantine inspection activities carried out by the Department of Homeland Security's Customs and Border Protection.

Each case is different and may vary in investigative scope, complexity, and time required to review. Some cases may involve multiple individuals or organizations, traverse multiple states and/or U.S. territories, and include multiple alleged violations—any of which might require extensive investigative resources to obtain sufficient evidence to determine whether an alleged violation has occurred. Other cases may be more straightforward, where the initial evidence clearly substantiates the alleged violation, allowing Investigative and Enforcement Services to more quickly process the case to help APHIS officials determine the appropriate resolution. Finally, Investigative and Enforcement Services conducts a streamlined review of most cases involving alleged regulated garbage and passenger baggage violations in support of agricultural quarantine inspection activities. These cases are completed as part of an expedited resolution program, in which Customs and Border Protection refers a case to APHIS while simultaneously providing evidence related to the alleged violation.

In fiscal year 2024, Investigative and Enforcement Services opened a total of 1,283 new cases. Of those cases, 661 consisted of referrals in support of agricultural quarantine inspection activities and were handled as part of the expedited resolution program. The remaining 622 cases involved referrals from each of the four APHIS

programs and Customs and Border Protection. The distribution of these 1,283 cases is shown in the following two charts, categorized by program area.

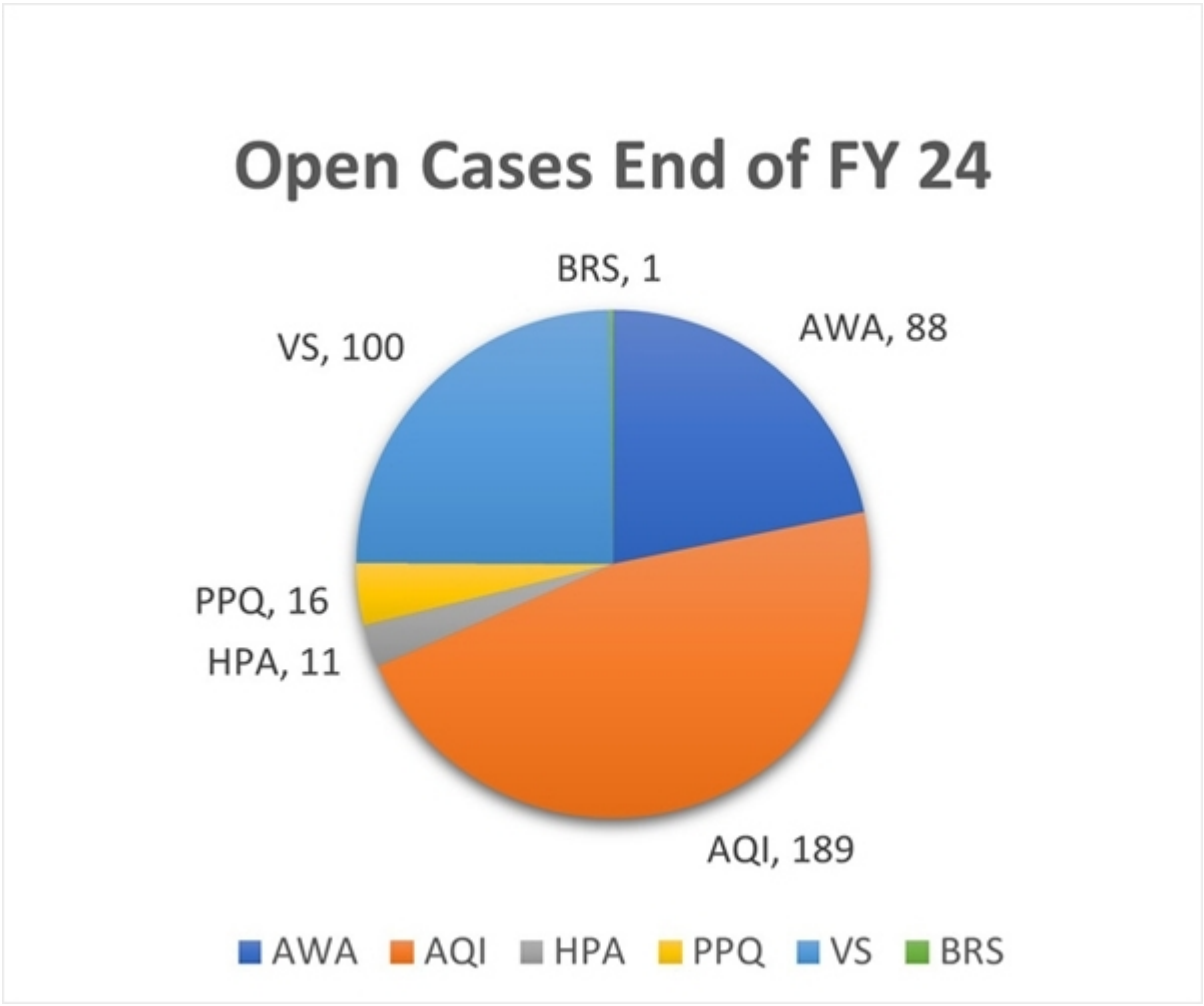


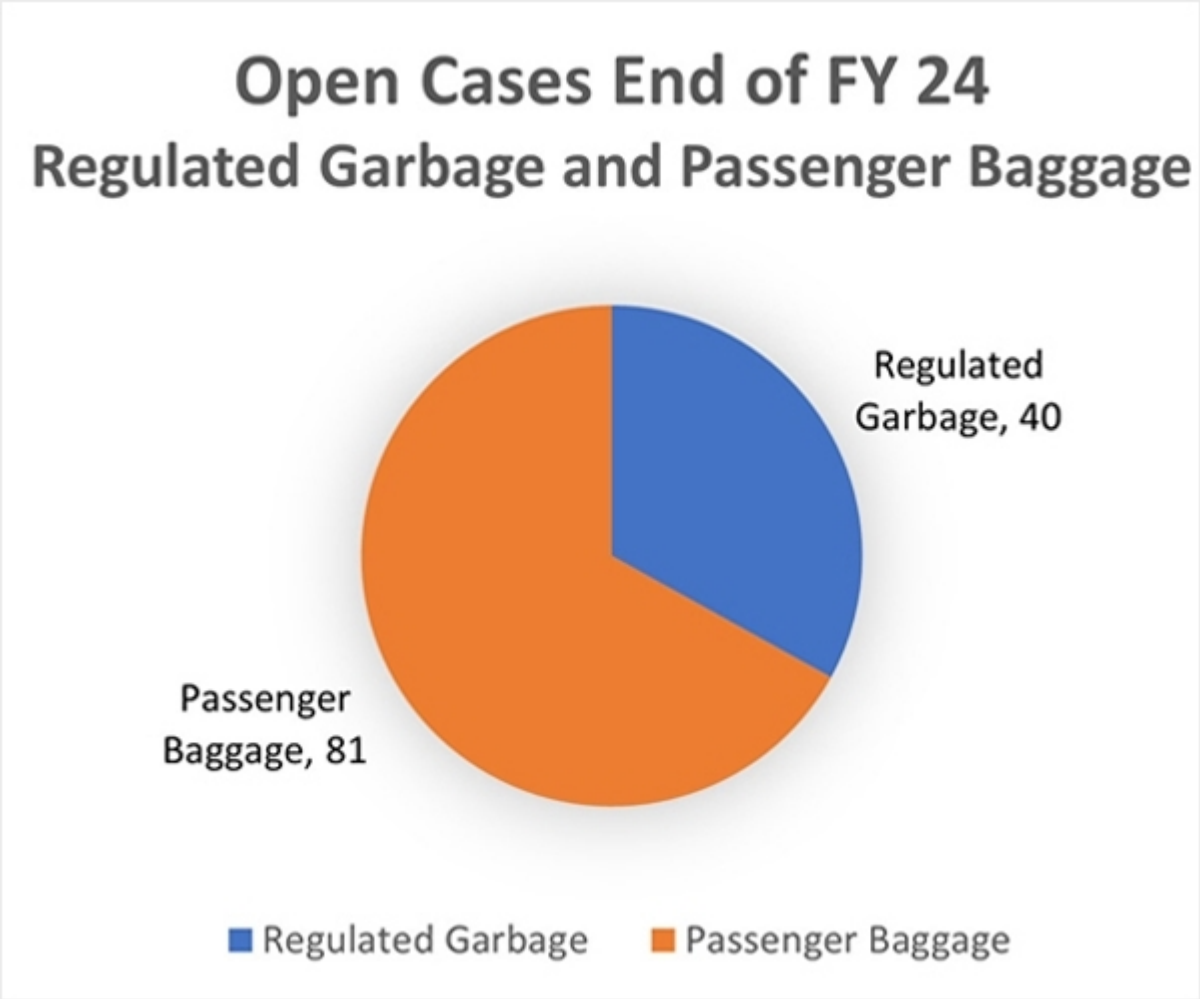


Open Cases

At the end of fiscal year 2024, Investigative and Enforcement Services had 526 open cases at various stages of the investigation and enforcement process. Of those pending cases, 121 involved agricultural quarantine inspection activities under an expedited resolution program. The remaining cases were from the various APHIS programs and Customs and Border Protection. Distribution of those cases is shown in the following two charts, organized by APHIS program.

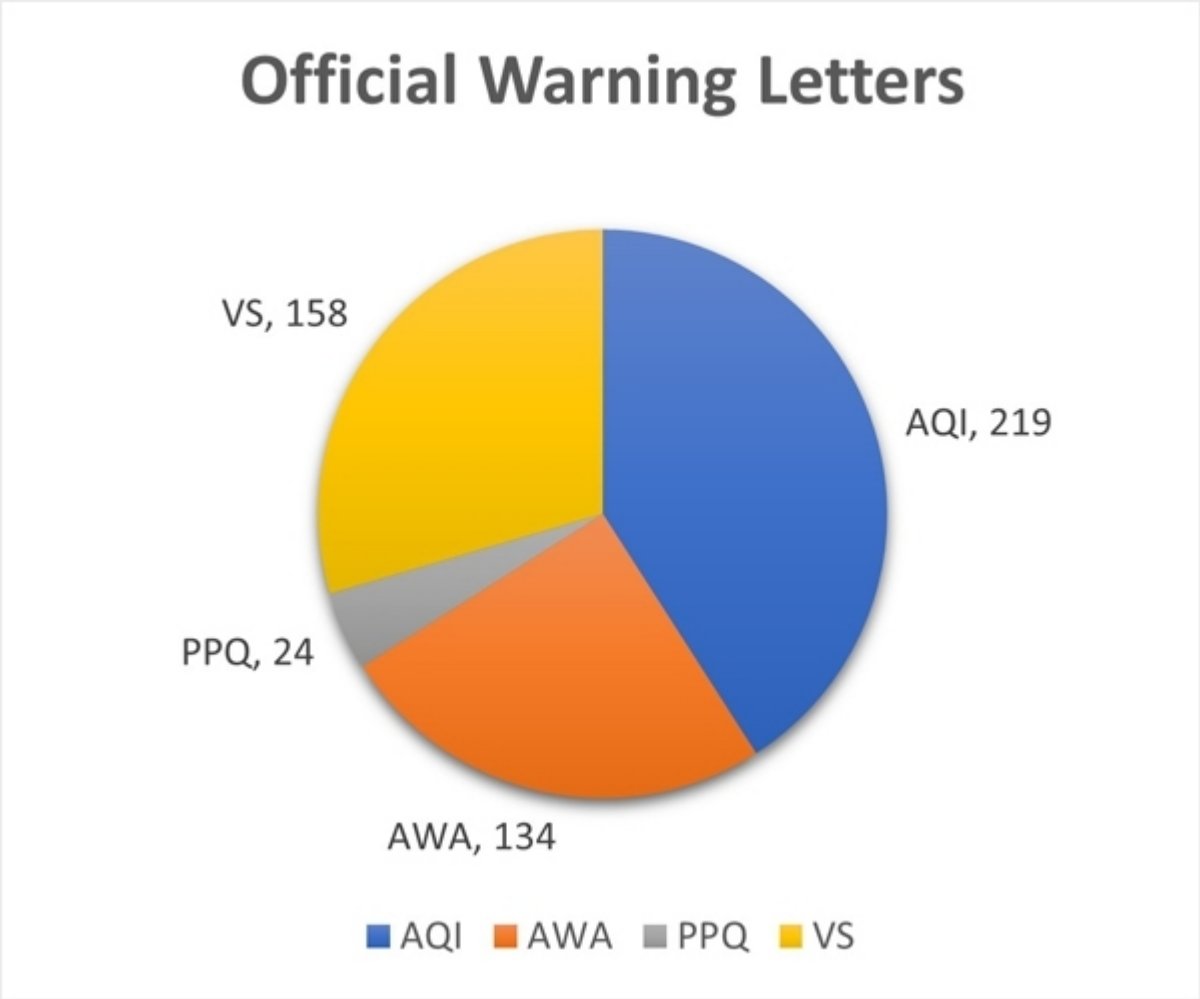
APHIS has a number of available options to resolve a case in which the evidence substantiates that an alleged violation has occurred. These options include issuing regulatory correspondence (such as an official warning) to the individuals or businesses involved in the alleged violation; offering to resolve the case through a stipulated penalty; and referring the case to USDA’s Office of the General Counsel for formal administrative action before the USDA Office of Administrative Law Judges.


Open Cases End of FY 24
BRS, 1
AWA, 88
VS, 100
PPQ, 16
HPA, 11
AQI, 189
AWA
AQI
HPA
PPQ
VS
BRS



Regulatory Correspondence/Official Warnings

In fiscal year 2024, APHIS Investigative and Enforcement Services issued 535 official warnings to individuals or businesses involved in cases in which the evidence substantiated that an alleged violation of an APHIS-administered statute or regulation occurred, but for which APHIS chose not to pursue a civil penalty or formal administrative action. An official warning or other regulatory correspondence is not a penalty, nor is it an enforcement action against an individual or business. Rather, the purpose of official warnings and other regulatory correspondence is to provide notice of the legal requirements and information to promote compliance with the law. Distribution of warning letters is shown in the following chart, categorized by program area.

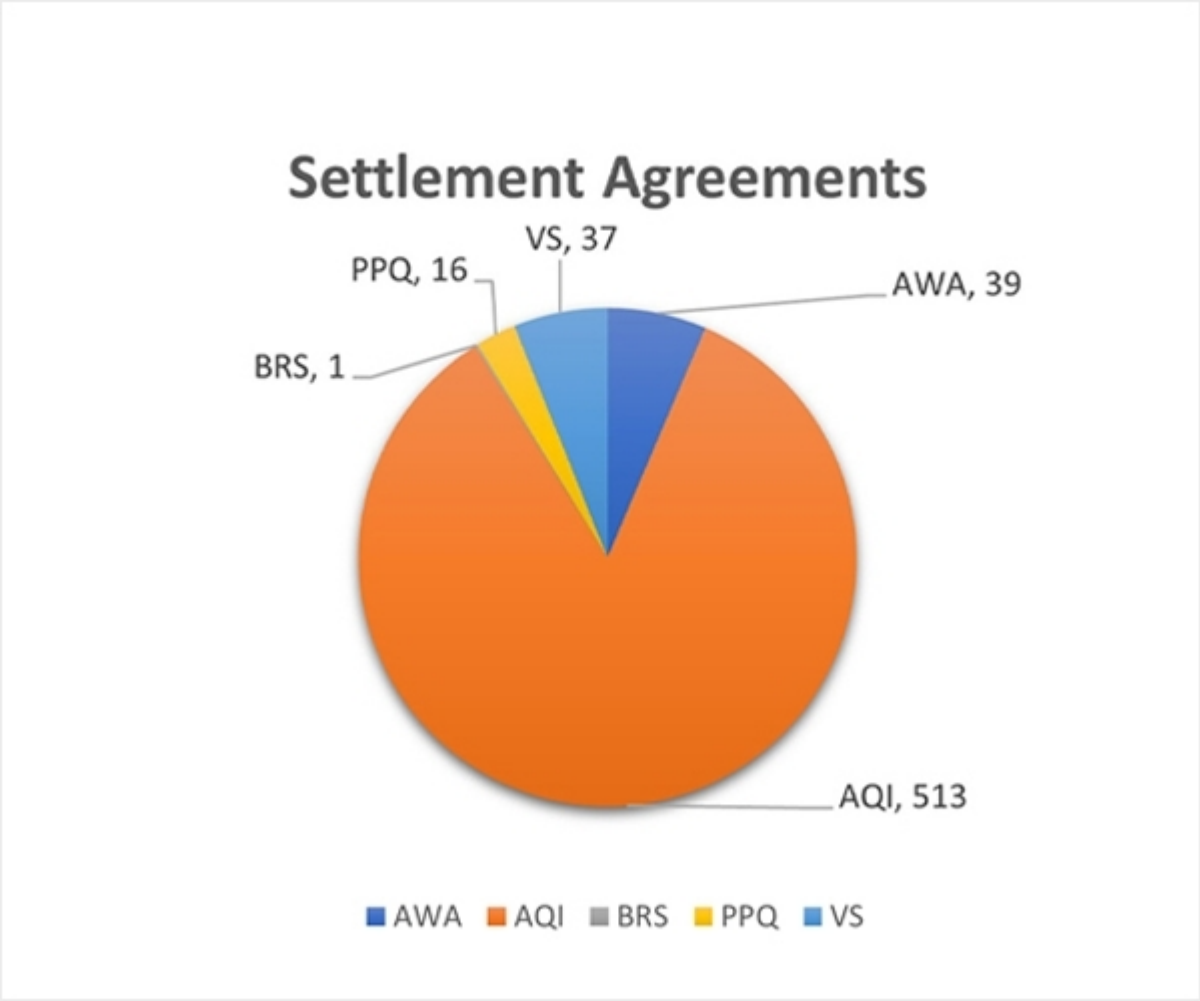


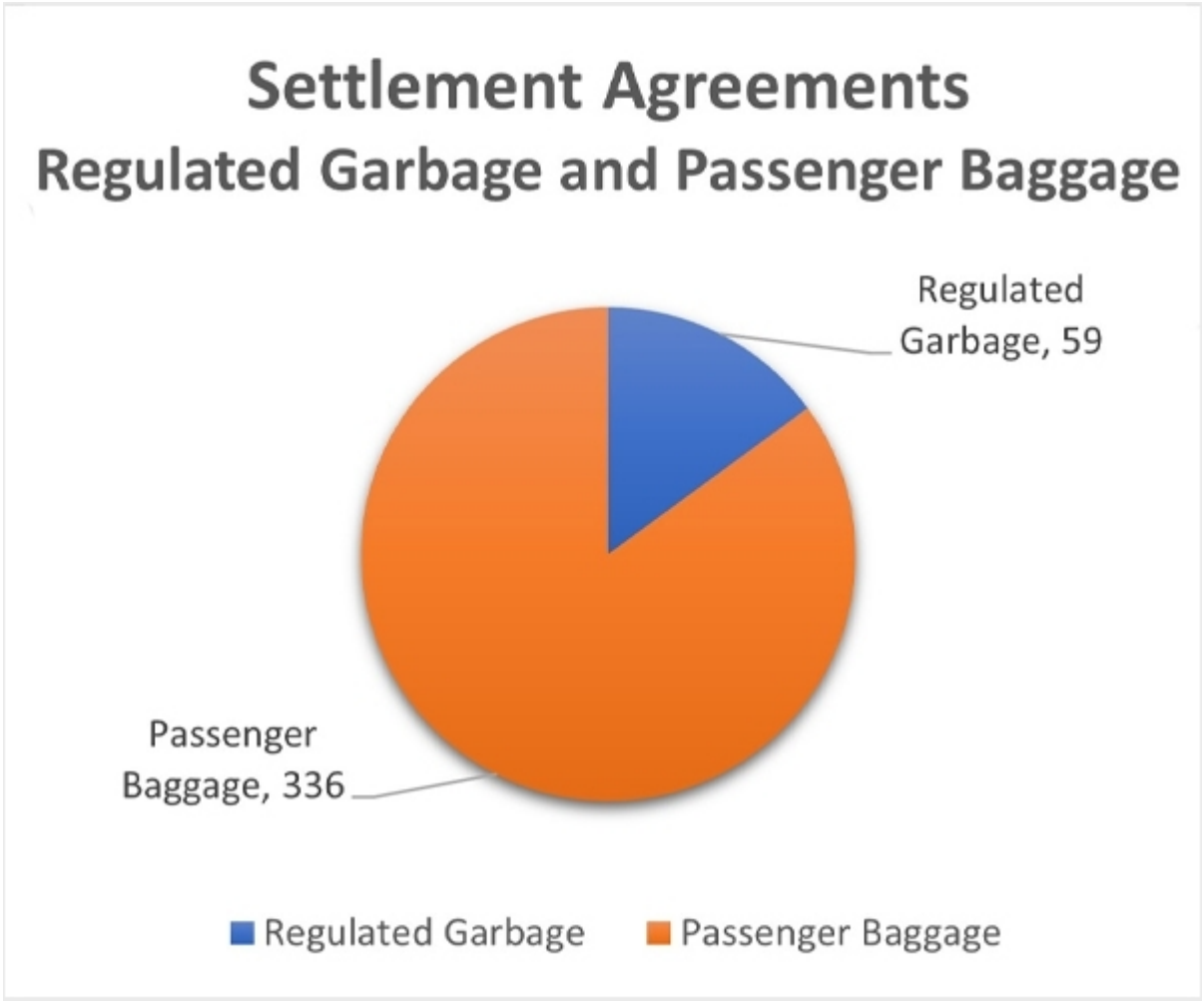
Pre-Litigation Settlement Agreements

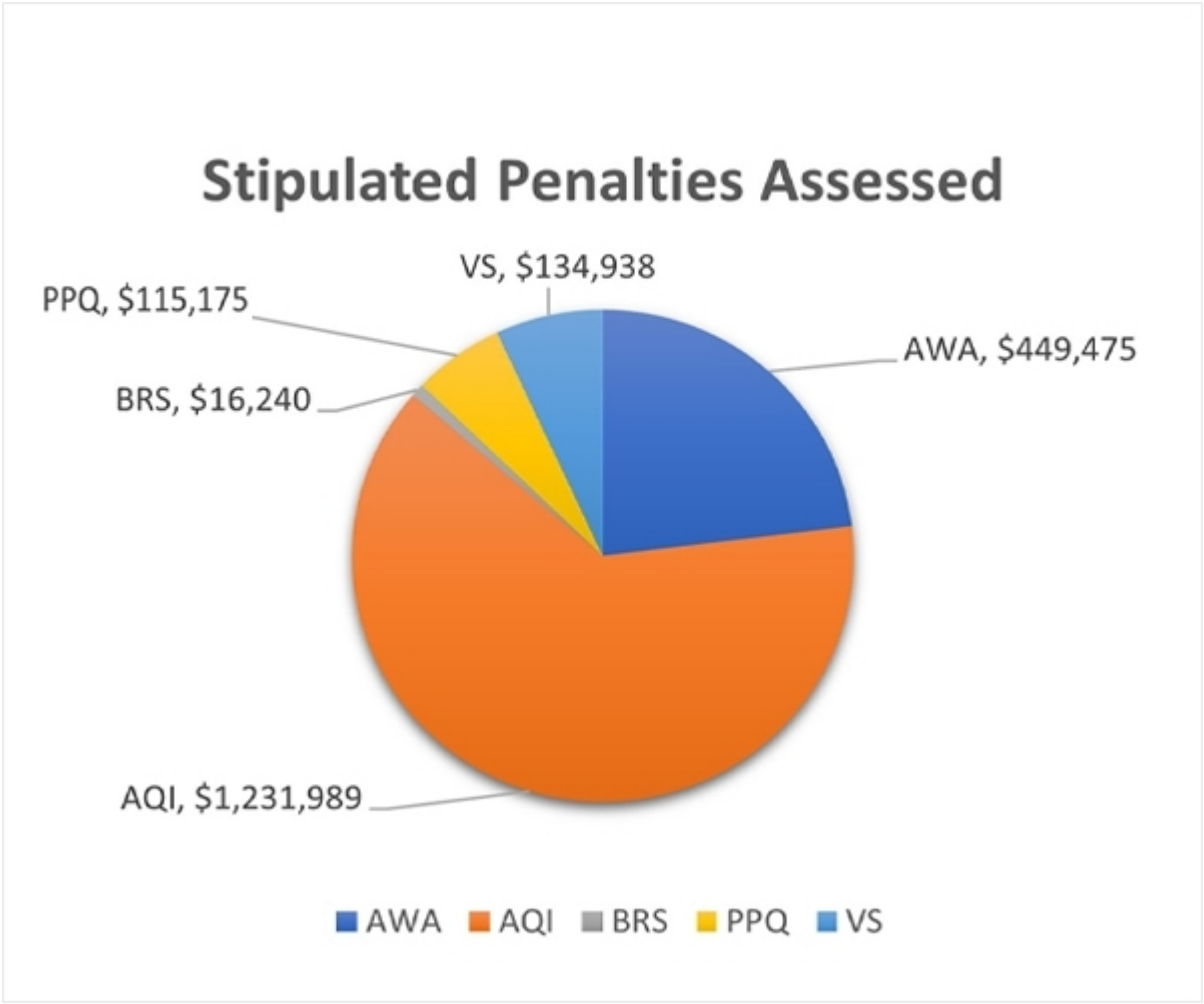
In many instances, APHIS may enter into a settlement agreement (or stipulation) to resolve alleged violations of APHIS-administered laws. In cases where the evidence substantiates that a violation occurred, and the circumstances of the alleged violation are such that APHIS determines that a penalty is appropriate, Investigative and Enforcement Services may offer to resolve the case through these pre-litigation settlement agreements.

In fiscal year 2024, APHIS Investigative and Enforcement Services issued 606 pre-litigation settlement agreements, resulting in the collection of $1,947,817 in stipulated penalties. A portion of those settlement agreements (395 cases and $337,301 in stipulated penalties) are the result of an expedited resolution program involving agricultural quarantine inspection activities, for which Customs and Border Protection refers the matter to Investigative and Enforcement Services while simultaneously providing evidence related to the alleged violation. The distribution

of all cases where APHIS issued pre-litigation settlement agreements and collected stipulated penalties are shown in the following two charts.




Settlement Agreements
Regulated Garbage and Passenger Baggage
Regulated Garbage, 59
Passenger Baggage, 336
Regulated Garbage
Passenger Baggage

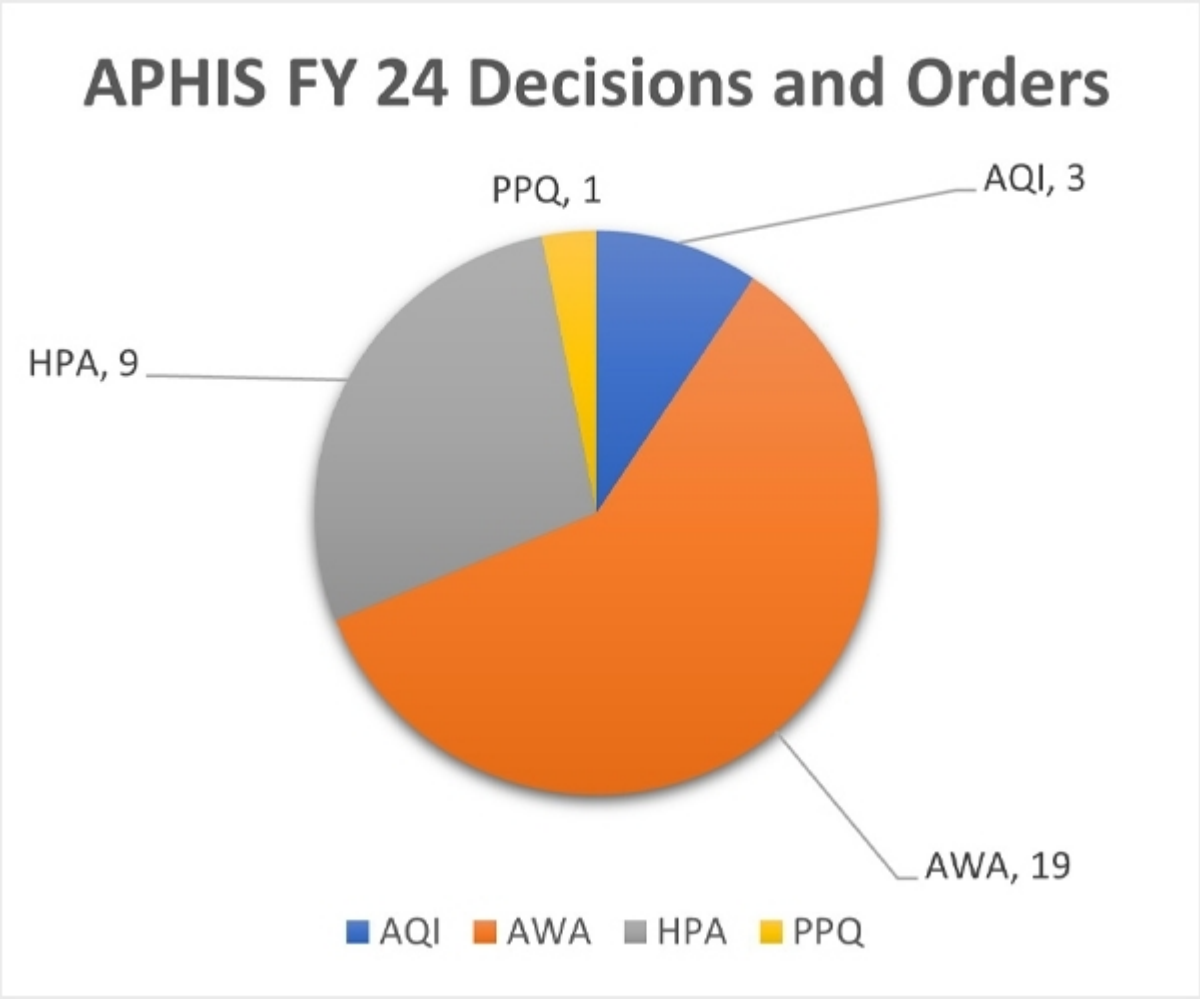

Stipulated Penalties Assessed
VS, $134,938
PPQ, $115,175
AWA, $449,475
BRS, $16,240
AQI, $1,231,989
AWA
AQI
BRS
PPQ
VS

Action by the Office of General Counsel

For cases involving serious violations or for which regulatory correspondence or a stipulated penalty may not be appropriate, APHIS Investigative and Enforcement Services may refer the case to USDA's Office of the General Counsel to initiate formal administrative action before the USDA Office of Administrative Law Judges and to seek civil penalties or other sanctions for alleged violations of APHIS statutes.

APHIS has many cases in various stages of the formal administrative process before the Office of Administrative Law Judges, including several under judicial review, in coordination with the Office of the General Counsel. Formal administrative action usually begins by filing an administrative complaint against a respondent. At that time, the USDA Hearing Clerk will assign a "docket number," which is a unique number assigned to an administrative complaint. A single respondent may have more than one pending administrative complaint.

In fiscal year 2024, APHIS, through the Office of the General Counsel, obtained decisions and orders in 32 proceedings assessing $829,179 in civil penalties. The decisions and orders included orders suspending or revoking 16 Animal Welfare Act licenses and disqualifying 8 individuals from participating in activities regulated under the Horse Protection Act.



IES Activity by Program Area

Expand All

Agricultural Quarantine Inspection (AQI)

To support AQI activities in fiscal year 2024, APHIS Investigative and Enforcement Services initiated 878 cases, issued 219 official warnings, and issued 513 pre-litigation settlement agreements resulting in the collection of $1,231,989 in

stipulated penalties, and obtained 3 administrative orders resulting in the assessment of $203,000 in civil penalties.

In one case, working through the Office of the General Counsel, Investigative and Enforcement Services obtained a Decision and Order assessing a $160,000 civil penalty involving fraudulent activity and falsified phytosanitary certificates for multiple shipments containing prohibited plant and fruit products. Investigative and Enforcement Services also negotiated pre-litigation settlement agreements with express carriers totaling $118,125 for releasing shipments to consignees in violation of agricultural inspection hold orders placed by CBP.

Animal Care Enforcement Summary (AWA and HPA)

To support animal welfare in fiscal year 2024, APHIS Investigative and Enforcement Services initiated 209 cases for alleged violations of the Animal Welfare Act (AWA), issued 134 official warnings, issued 39 pre-litigation settlements resulting in the collection of $461,675 in stipulated penalties, and obtained 19 administrative orders resulting in the assessment of $606,583 in civil penalties, and suspended or revoked 16 licenses.

In one case, working with the Office of the General Counsel, Investigative and Enforcement Services obtained a Consent Decision and Order permanently revoking a dealer's AWA license and assessing a civil penalty of $312,000. Investigative and Enforcement Services also negotiated several pre-litigation settlement agreements totaling $306,550 for violations of the AWA standards by research facilities.

To support horse protection in fiscal year 2024, APHIS Investigative and Enforcement Services initiated 80 new cases for alleged violations of the Horse Protection Act (HPA) and worked with the Office of the General Counsel to obtain 9 administrative orders resulting in the assessment of $18,196 in civil penalties and disqualifying 8 individuals from participating in activities regulated under the Horse Protection Act. In one case, working with the Office of the General Counsel, Investigative and Enforcement Services obtained a Decision and Order assessing each respondent a penalty of $3,000 and a one-year disqualification period for entering a sore horse at a show in Kentucky.

APHIS Investigative and Enforcement Services has continued to post copies of enforcement records (such as initial decision and orders, default decisions, consent decisions, and administrative complaints) on its website: Animal Welfare and Horse

Protection Actions.

Biotechnology Regulatory Services (BRS)

To support Biotechnology Regulatory Services in fiscal year 2024, APHIS Investigative and Enforcement Services initiated 1 case, and resolved a pre-litigation settlement resulting in the collection of $16,240 in stipulated penalties. In that case, Investigative and Enforcement Services negotiated a settlement agreement after identifying the unauthorized planting of genetically engineered soybeans in two locations.

Plant Protection and Quarantine (PPQ)

To support plant health in fiscal year 2024, APHIS Investigative and Enforcement Services initiated 27 cases, issued 24 official warnings, and negotiated 16 pre-litigation settlement agreements resulting in the collection of $115,175 in stipulated penalties, and obtained 1 administrative order resulting in the assessment of $1,400 in civil penalties.

In one case, Investigative and Enforcement Services negotiated a pre-litigation settlement agreement in the amount of $31,500 for violations related to the import of plant products from India without the required permits and treatment. Investigative and Enforcement Services also negotiated a pre-litigation settlement in the amount of $9,375 in one case involving the unauthorized interstate distribution of plants from Oregon and Connecticut to numerous locations across the country.

Veterinary Services (VS)

To support animal health, in fiscal year 2024, APHIS Investigative and Enforcement Services opened 88 cases, issued 158 official warnings, and issued 37 pre-litigation settlements resulting in the collection of $134,938 in stipulated penalties.

In one case, Investigative and Enforcement Services negotiated a pre-litigation settlement in the amount of $50,000 to resolve violations involving moving sheep and goats interstate without proper health certificates or official identification. Investigative and Enforcement Services also negotiated a pre-litigation settlement in the amount of $8,500 for violations involving imported cattle without the proper documentation.

Enforcement Glossary and Pie Chart Key

AC: Animal Care

Administrative Complaints: After IES refers a case and supporting evidence to USDA's Office of the General Counsel (OGC) with a request to institute an administrative proceeding, OGC reviews the evidence to determine whether there is reason to believe a violation of an APHIS-administered law has occurred. If so, OGC prepares an administrative complaint that it files on behalf of APHIS to institute a formal adjudicatory administrative proceeding. The administrative complaint identifies the alleged violator and the alleged violations and seeks the imposition of sanctions. If OGC proceeds with the filing of an administrative complaint, it may offer an alleged violator a consent decision (i.e., an opportunity to settle), or present the case to a USDA Administrative Law Judge (ALJ) for the issuance of an initial decision.

Administrative Decisions: Obtained after IES forwards a case to OGC to institute an administrative proceeding through the filing of an administrative complaint. Final administrative decisions are issued at the conclusion of an administrative proceeding and can be issued by an ALJ, USDA's Judicial Officer, or a U.S. Federal court. They include (1) initial ALJ decisions (including default decisions) that mandate sanctions, remedies, or actions; (2) consent decisions (i.e., settlements), which are based on agreement between the alleged violator and APHIS; (3) decision and orders issued by the USDA Judicial Officer upon appeal of an ALJ's initial decision; or (4) a final decision issued by a U.S. Federal court when an aggrieved party appeals or seeks review of a USDA decision.

AQI: Agriculture Quarantine Inspection through Customs and Border Protection

AWA: Animal Welfare Act

BRS: Biotechnology Regulatory Services

Cases Initiated: Unique cases opened by IES in a given fiscal year. This does not include cases that are still open from previous years.

Civil Penalties: Penalties assessed as part of orders APHIS obtained administratively through a USDA ALJ, USDA's Judicial Officer, or a U.S. Federal court.

HPA: Horse Protection Act

Monetary Penalties: A specified amount that an alleged violator agrees to pay through a stipulation agreement to resolve alleged violations. IES determines monetary penalties using guidelines that APHIS developed based on penalty provisions in the various laws that the Agency administers.

Non-Monetary Stipulations: Non-monetary pre-litigation settlement agreements are used to resolve alleged violations. For example, under the Animal Welfare Act (AWA), a non-monetary pre-litigation settlement agreement entails that an alleged violator agrees to AWA license revocation or permanent disqualification from obtaining an AWA license; and dispersal of animals used for AWA-regulated activities.

PPQ: Plant Protection and Quarantine

Referral to the Office of the General Counsel (OGC): The submission of a case to OGC, recommending that OGC file, on APHIS's behalf, a formal administrative complaint alleging violations of APHIS laws and requesting appropriate sanctions or remedies. A referral may also recommend that OGC refer the matter to the U.S. Department of Justice for civil or criminal prosecution. APHIS tracks referrals to OGC using two methods: (1) a unique case number for the investigative file(s) associated with the referral; and (2) the number of alleged violator(s) included in each referral. Because some cases include more than one alleged violator, the number of alleged violators referred to OGC for action is almost always larger than the number of unique case numbers referred to OGC for action.

Settlement Agreements: Voluntary settlement agreements reached between an alleged violator and APHIS. Stipulations often involve monetary penalties, but in some circumstances can involve non-monetary penalties such as license revocation or disqualification from participating in certain types of regulated activities. A stipulation notifies an alleged violator of the violation(s), the opportunity for a hearing before a USDA ALJ, and the opportunity to waive the hearing if the alleged violator agrees to a penalty, generally within 30 days. If an alleged violator accepts and meets the terms of a stipulation, APHIS considers the case closed.

Stipulated Penalties Assessed: Amount alleged violators agree to pay to APHIS to resolve alleged violations through stipulation agreements with the Agency. Once an alleged violator meets the terms of a voluntary settlement agreement, with payment of a stipulated penalty for instance, APHIS considers the case closed.

VS: Veterinary Services

Warnings: An official warning notifies an alleged violator of an alleged violation and warns that APHIS may seek civil or criminal penalties if the alleged violation(s) continue.

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