

March 14, 2019

Comments on proposed changes to Kitsap County Animal Control regulations.

Thank you for the very short notice of the proposed regulation changes governing pet facilities and retail sales. You indicated that stakeholder meetings had been going on since mid-2018. We only became aware of any discussion happening in late December 2018 when we received a phone call from someone asking about the source of the puppies we sell. Since we had no opportunity to comment before I will give you a brief history of how we manage our puppy sales.

Farmland Pets and Feed LLC is a family owned and operated retail pet and feed store that has operated in Kitsap Co. for 42 years. We have all the necessary licenses and insurance to operate as a full service pet store. In fact, we are the only pet store in the county that sells 8 week old puppies from a USDA licensed kennel. Therefore, the proposed regulations to ban these sales as written will adversely impact our business.

Supposedly the regulation changes are directed at the health and safety of the animal and the public. Additionally, you stated you want to deal with the "horrors" of the puppy mills. There are a lot of rumors, gossip and outright lies out there about where our puppies come from. I will walk you thru the process of how we select and care for each of the puppies we sell. We use a breeder/broker from the state of Kansas who is duly licensed and inspected by the Kansas Animal commission, animal welfare, USDA and various other organizations such as the AKC, APRI and ACHC.

Each puppy comes to us with a 5 generation pedigree, photos of the parents, complete health record of shots and treatments, a breed certification of DNA of the sire, microchipped for positive identification and inspected by a vet at least 2 times. Additionally, the puppies are certified flight ready to meet FFA standards and are shipped to us on the same commercial airline we have used for over 20 years without one problem or health incident. The animals are picked up immediately on arrival, inspected and watered. They go by car to our business where each puppy is verified, matched with paperwork, cleaned as necessary, inspected and then the store paperwork is completed. The animals are placed in viewing kennels and fed and watered. Many of our puppies are special ordered ahead of time and the new owner usually comes in to obtain their animal on the day they arrive or the next morning. Usually puppies stay with us no more than a week before they go home to new families. Each of our puppies go home with complete instructions on the care of the new family member. We offer a free vet check with 2 local vets and all puppies have a one year congenital defect guarantee. On the rare occasion that a problem occurs we work with our customers and their vets to solve the problem. Unlike the Humane Society we pay for any meds or services needed. In 42 years we have never failed to place a pet in a home.

Over the years and succeeding generations our satisfied customers have returned for additional puppies. Many customers special order breeds and or specific breeding that they want and will wait until that specific animal is available. Our supplier keeps complete records of breedings to ensure quality of the animals. If a breeding should produce a health or temperament problems that breeding pair is discontinued. We choose not to sell any puppy from a known aggressive breed of dog, i.e. Rotweilers, Pit Bulls, Dobermans, Chow Chows, Akitas etc.

Our customers demand choice. If they want to adopt a rescue dog or an aggressive breed dog, they go to the Kitsap Humane Society. If they want a pure bred puppy they come to us. Without the ability to shop at a licensed retail pet sale business, they are reduced to looking for puppies on the internet, Craig's list or other sources. You and yours will be shopping for puppies and kittens in the WALMART parking lot. They take their chances on what they find with no guarantee. With us they know they have a guarantee from a legal business. Additionally, we know how difficult it is to be a hobbyist breeder. Many years ago we actively raise and showed championship dog breeds. On a small time bases, the level of detail and time it takes to maintain adequate records and breeding is usually not possible to sustain the kind of detail we have been able to enjoy from our breeders services.

We are also able and willing to provide information about some of the misfortunes people have when rehoming certain rescue animals. We like the regulations requiring rescue organization to provide complete health and safety information. While organizations like the Kitsap Humane Society have an easier time compiling records, these records at time can be strictly conjecture or hear say. Many of the breed specific rescue organizations and safe havens fall tremendously short in this area. We belong to an organization that has great info about this issue and would be happy to share it. We know that this goal is not achievable when you source dogs from a dog farm in Korea or feral dogs captured in Asia, Egypt or Afganistan.

In Kitsap County we do not have a over population problem. We sold 440 puppies. The Humane Society re-homed over 6000 animals. They had to bring in nearly 3000 animals from out of state to meet the demand for animals.

Our goal at Farmland is to provide our Kitsap County residents with a happy healthy puppy that will be part of their family for many years. With many years of experience with animals we want to ensure that families have choices in what type of animal they get and where they can safely purchase it. Many of our customers are very willing to let you know their feelings about their pets and where they choose to get them. We are willing to share the information about these proposed regulations with them.

We would appreciate the opportunity to meet with each of you on a one on one basis. Thank you  
Jeanne Munro

**From:** Jack Munro  
**Sent:** Thursday, March 14, 2019 8:52 PM  
**To:** Jennifer J. Cannon <jjcannon@co.kitsap.wa.us>  
**Subject:** Re: Update on the Retail Sales of Puppies and Kittens

Thank you,

Obviously you do not have all of the contact information for Farmland. I will include that information as an attachment with this email. This is a regulatory action that is directed specifically at causing the demise of my business and I take that fact very personally. My wife and I as co-owners of Farmland Pets and Feed feel that you are obligated to keep us informed IN A TIMELY MANOR regarding any actions pertaining to these regulations. We should be granted time enough to respond to any and all accusatory remarks.

Ms. Cannon, You have titled this email as an update but how can this be an update when this is your first email communication. In this email you start by thanking us for our help in policy development addressing the retail sales of puppies but this is the first contact either myself or my store have had with you. How is it that we have been helpful when we haven't been involved at all? We would like to meet one on one with any and all personal involved in this regulatory action. We would most certainly like to be of help to you. We would most certainly like to have the courtesy of an appointment with the commissioners.  
sincerely, Jack and Jeanne Munro

-----Original Message-----

**From:** Farmland Pets \_\_\_\_\_  
**Sent:** Tue, Mar 12, 2019 2:20 pm \_\_\_\_\_  
**Subject:** Fw: Update on the Retail Sales of Puppies and Kittens

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**From:** Jennifer J. Cannon \_\_\_\_\_  
**Sent:** Tuesday, March 12, 2019 2:01 PM  
**To:** 7 \_\_\_\_\_h  
**Cc:** Eric Baker  
**Subject:** Update on the Retail Sales of Puppies and Kittens

Update on the Retail Sales of Puppies and Kittens:

Thank you for your help on the policy development addressing the retail sales of puppies and kittens in unincorporated Kitsap County. We have prepared draft regulations to address pet retail concerns related to pets originating from large-scale breeding operations sometimes referred to as "puppy mills" and "kitten factories", respectively.

The Board of Commissioners seeks to achieve the following goals in the review of this issue: enhance promotion of animal welfare and healthy conditions for puppies and kittens; close loopholes allowing inhumane breeding and retail sales in Kitsap County; and encourage best practices and community awareness in the purchasing and breeding of dogs and cats.

Kitsap County held numerous stakeholder interviews since mid-to-late 2018 to inform policy development on this issue. Based on this valuable input, enforcement/legal considerations, and best practice guidance, the current code draft includes:

- Prohibition of retail sales of puppies or kittens except from a certified animal welfare organization or bred onsite at a small-scale breeder
- Policy improving enforcement of potential violations
- Clarity on the animal records hobbyists and commercial pet facilities must maintain for their animals
- Bans sales of puppies/kittens younger than 8-weeks old
- Other edits for clarity and consistency

Please review this draft and contact us with any questions or comments. We would like to follow up and discuss this with you. Please let me know if you have a preferred time for us to contact you. We would like any feedback to be submitted no later than March 15<sup>th</sup> if possible. With any additional feedback, the Code updates are expected to be presented to the Kitsap Board of County Commissioners in early May.

More information, updates, and announcements for public involvement will be posted on the following project webpage: [https://www.kitsapgov.com/BOC\\_p/Pages/Retail-Sales-of-Puppies-and-Kittens.aspx](https://www.kitsapgov.com/BOC_p/Pages/Retail-Sales-of-Puppies-and-Kittens.aspx). If you have any questions, please contact me via email or at (360) 337-7051.

**Jennifer Cannon, AICP**

Policy Analyst, Kitsap County

Commissioners Office

614 Division Street MS-4

Port Orchard, WA 98366

**Direct:** (360) 337-7051

**Email:** [jjcannon@co.kitsap.wa.us](mailto:jjcannon@co.kitsap.wa.us)

Farmland Pets and Feed LLC  
9000 Silverdale Way NW  
Silverdale, WA. 98383  
Web site: [WWW.FARMLANDPETS.COM](http://WWW.FARMLANDPETS.COM)  
jeqpwev'kphqto cvkqp\_"

## CONTACT INFORMATION

Jack Munro      Owner / President  
jeqpwev'kphqto cvkqp\_"

Jeanne Munro    Bookkeeper / Secretary  
jeqpwev'kphqto cvkqp\_"

Shannon Randall    Store Manager  
jeqpwev'kphqto cvkqp\_"

## STORE HOURS OF OPERATION

Monday thru Friday	9 AM to 7 PM
Saturday	9 AM to 6 PM
Sunday	9 AM to 5 PM

My name is Jack Munro and I am the president of Munro Enterprises LLC DBA Farmland Pets and Feed LLC in Silverdale. I am certain that each of you is aware of this fact. My name is out there, my company name is out there, my retail business name is out there, my home and business addresses are on every license. There is no mystery to contacting me. All of that being said, would one of you please tell me why it is that I have not had any contact from Kitsap County regarding my stores legal sale of puppies? At no time has anyone from either the county of Kitsap or the Kitsap Humane Society or Kitsap Animal Control contacted me for input or comment on these proposed regulations. In the interest of government transparency and in light of the fact that recent communications say that numerous stake holder interviews have been held since mid 2018 I would ask why I have not been interviewed or contacted? You would think from a do-right point of view you would find it morally appropriate to ask the only store in the county selling puppies for comment and that any commentary would come from the store's owner, me.

I take great umbrage to the fact that **you**, without input from the **"accused"** have decided to **"put out of business"** a legally licensed, tax paying business that has been supporting Kitsap County for 42 years. We have broken no laws, we strive to supply only quality and health guaranteed puppies. We are completely in the dark as to what it is that we are doing wrong? We have absolutely nothing against animal shelters or the adoption of rescued pets. We are 100% against your taking the American citizen's right to choose the source of their pets. We are 100% against your forcing us to re-home known potential aggressive breeds or rescues from foreign countries that could harbor untold diseases.

It is very difficult to fathom the reasoning for this action. I thought that perhaps the number of puppies that we sell was somehow placing an unusual burden on our local Humane Society. But how can that be? Per the Kitsap Humane Society web site they placed, re-homed, adopted out nearly 6,000 animals in 2018. The demand at the facility was so high that they brought in over 2,900 dogs from out of Washington State. We sell around 400 puppies per year. A number which pales in comparison to theirs. How can we possibly be adversely affecting this county?

I would hope that each of you county commissioners would afford me the opportunity to have a one on one conversation. I would genuinely like to know

what it is that Farmland is doing that is so wrong that you feel the need to legislate us out of business.

Page 2

My personal email is

My personal phone number is

My wife's email is \_\_\_\_\_

Her personal phone number is

## Kitsap County Commissioners

I have owned Farmland Pets and Feed for 42 years. We have been selling puppies for all of those years. In those 42 years we have made and corrected every mistake to improve our success in selling the perfect pup. I respectfully submit to you the reasons why we should continue to sell our customers regulated production pups. They deserve to choose.

- + We are a team of professionals with 100 combined years of experience in animal care.
- + We are 10 people drawing and spending paychecks and paying all applicable taxes
- + Farmland pays thousands of \$ in revenue taxes
- + The property that Farmland operates from pays thousands of \$ in prop taxes
- + Farmland pays hundreds of \$ in use taxes and personal property taxes
- + None of our puppies are sourced from non professionals
- + Our puppies come from USDA inspected and approved facilities
- + Our puppies come from Humane Society inspected facilities
- + Our puppies are 8 weeks old when they arrive
- + Our puppies have been veterinarian examined & approved at least 3 times
- + Our puppies come with congenital defect guarantee
- + Our puppies have had every applicable vaccination
- + Our puppies have been deloused inside and out
- + Our puppies come with an exact birth date and a 5 generation pedigree
- + Our puppies sires are DNA proven to be purebred for their breed
- + Our puppies have an ID number chip implanted under their skin for permanent ID
- + Our puppies leave with a free local vet check-up
- + None of our puppies were rejected by someone as criteria for our acquisition
- + Our customers return to purchase 2<sup>nd</sup> generation family pets from us
- + We purposely do not sell known aggressive breeds

What you would have us do if this bill passes:

- Oversight of the animals we receive would be mainly by volunteers, some with no hands on experience.
- These volunteers do not receive pay checks, do not pay L&I, nor UCI or social security
- animals come from a tax free property so there is no tax revenue
- the dogs they want us to sell come from anywhere, foreign or domestic, not regulated
- the majority of these dogs are adults, many rejected because of aggressive personalities
- there are numerous cases of adoptions gone horribly wrong – Google, Rescue Dog Bite
- ONLY 5% of their rescued dogs are re-home, relinquished family pets
  - The majority of rescued dogs are a] foreign born b] confiscated from abusive environments c] rehabilitated fighting dogs
- These animals come from unregulated facilities, they oversee themselves
- These dogs come with no vaccination history and potentially harbor untold diseases
- These dogs come with no lineage traceability, no real idea of the breed of origin.
- These animals are not young, not your child's first puppy
- Every animal is spayed or neutered regardless of age.
- A staff of volunteers inspects the animal, not your veterinarian

I ask each of you who are making this decision, would you come to my pet store and pay \$ to take one of these animals home to your child? Rescues have their place in this world and they benefit lost dogs but they are not the best way to acquire a pet.



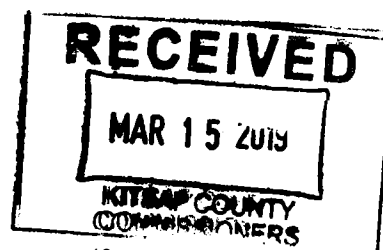
Submitted by Jack Munro, owner of Farmland Pets and Feed, LLC

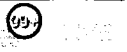
Kitsap County Commissioners,

Hello, my name is Shannon Randall. I am the daughter of Jack Munro, owner of Farmland and the manager of the business. I writing you in opposition to your proposed code changes and I would like to tell you why. When Farmland was born as a business in 1977, I was headed into Kindergarten. My parents wanted their children to learn the value of a dollar, so my sisters and I all worked in the store from about the time we were eight. Because of this, I have watched every evolution of the business come to fruition. My father has never done anything in small measures. When we started selling puppies, he wanted the best ones possible to send home with his customers. Originally, the puppies were from our customers. Generally, they were the product of accidental breeding and we could not always be certain what they were or if they had their shots. Because of this Farmland offered free vet exams to make sure the puppies were healthy. Eventually, it was decided that there were too many problematic factors involved in those mutt puppies, so we decided to only take puppies that were registerable. We still sourced these puppies from local people. That is until one day my dad was delivering an order to a customer's house and noticed 6 Shih Tzus running the yard together. There was 4 girls and 2 boys, one of the girls was in heat. When my dad said something to the dog's owner, she told him that even though there were 2 boys around this girl she would know who the dad was when the pups were born. My parents had spent many years raising and showing AKC Collies and Shetland Sheepdogs, so he knew that this practice was unacceptable. The very next day he went looking for a kennel group to get puppies from that had strict regulations. We have sourced our puppies from that group ever since. The kennels that our puppies come from have superb records of lineage, health issues, and behavioral issues. Each member of the group must be USDA licensed and state inspected. Every puppy comes with everything that they need medically and age appropriate. Having a history of a puppy 5 plus generations back and a detailed record of anything done medically is phenomenal. If you were to pass this rescue mandate, we are going to be up a creek without a paddle. No longer will I have the comfort of knowing what a dog is and what its medical history is. There is no way to regulate where these rescue animals had come from or what disease they might be carrying. Essentially, you would be taking us right back to square one 42 years ago. I would not be able to, in good conscience, guarantee the health or behavior of an animal. When I researched rescues and where their animals come from, I knew that there was no choice but to come here and oppose this ordinance. With the spay and neuter protocol of our society we, in Washington, are not faced with overcrowding at our shelters. The main rescue in our area has to make regular trips to the airport to get dogs and cats from other states to meet the demand for animals. There is no detailed history of these pets other than what has been compiled right before they get on a plane. It takes many weeks for an animal to be fully vaccinated and even more time than that to know if there is a behavioral issue that is lurking in their background. How is this option good or acceptable to anyone? Who is responsible when the rescue dog that you adopted at Farmland thru the shelter attacks and injures someone in your household? Where did our rights as citizens of the United States go? When did limiting peoples right to choose what was right for their family become a thing? I have attached all of my research to the back of your copies of this letter.

Thank you for your time,

Shannon Randall





# KIRO 7 Investigates: Why it's so hard to track dangerous dogs in Washington

By: Alison Grande

Updated: Feb 1, 2019 - 11:36 PM

562 Shares

**UNIVERSITY PLACE, Wash.** - A woman was violently attacked by her friend's dog in Pierce County. Now she's trying to find out if that dog had bitten anyone before or has since.

Diane Dambacher was visiting a friend in University Place in November. She said without warning, the dog charged her and latched onto her left arm.

She says the dog's owner was horrified and yelled at the dog, a female pit bull, to let go of Dambacher's arm. The dog left behind severe gashes.

Content Continues Below

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Her friend rushed her to the hospital.

Dambacher filed a complaint with Pierce County Animal Control and tried to find out the dog's history.

The friend only had the dog for six weeks after getting it from a rescue.

She talked to her longtime friend after the incident.

"She said all the right things on the phone. She said, "We're never going to be able to let her outside without a leash. We're never going to let her roam in the house when people come over," said Dambacher. "So it sounded like she was going to do something. I don't know what, banish the dog or put the dog down?"

Animal Control quarantined the dog for 10 days. Dambacher said her friend kept the dog.

"It's obvious to me the dog is dangerous because it was dangerous to me. I don't see how morally you can let that happen again," said Dambacher.

Dambacher tried to find out the dog's history. When she couldn't, she asked KIRO-7 for help.

KIRO 7 went to Pierce County Animal Control and asked if there was a way to find out if the dog had bitten anyone before.

"That's going to be the hard part, because if we don't have any record of the animal, it would be based off of where the person acquired the animal. If they lived in a different location, different municipalities," said Brian Boman, the supervisor of Pierce County Animal Control.

This dog was a rescue; Dambacher doesn't know where it came from.

If a dog is declared dangerous or potentially dangerous by Pierce County Animal Control there are requirements for the owner.

The owner must purchase a permit, have insurance, and animal control checks on the dog every year. The dog must wear a brightly colored collar, and be restrained with a leash and a muzzle when it leaves the owner's property.

Right now, Pierce County Animal Control is monitoring about 400 dogs.

To track an animal's history requires the cooperation of the owner to find out where they obtained the dog.

If a dog is deemed dangerous and moves outside of Pierce County Animal Control's jurisdiction, the owner must notify Animal Control 48 hours ahead of time. Pierce County will contact the animal control agency connected to the new address.

"If they move out and they don't notify us, they're getting referred up to the prosecutor's office for possible criminal charges," said Boman.

But Boman says all jurisdictions have different rules when it comes to dangerous and potentially dangerous dogs. "Some of the agencies don't have county codes. If it's potentially dangerous, they don't regulate potentially dangerous animals. The state requires that it's on the municipality or jurisdiction to govern those, so it's all dependent on their codes," Boman explained.

KIRO 7 asked Boman if it would be easier if there were a database to track dangerous dogs.

"It would definitely make it easier but it would be hard because who would regulate it, who would track it? Who would do the entries into it? Each agency is going to have so many different variables to it," said Boman.

Where the attack happens determines what happens next.

Pierce County says most dog bites are not reported, and whether or not a dog is deemed "dangerous" comes down to the discretion of the investigating officer.

The dog that bit Dambacher was not added to the dangerous dog list, partly because at the time, Dambacher was satisfied thinking her friend would contain or give up the dog.



The owner of the dog contacted KIRO 7 and said she regrets the trauma and injury to Dambacher, has apologized, and paid for her out of pocket medical costs. She said she fenced her yard, keeps the dog away from children and other guests and muzzles the dog when she leaves her property.

She also says she took the dog to a certified animal behaviorist who says the dog was being protective, not aggressive, when it bit Dambacher, who had raised her arm to steady herself on the dog owner's car.

**More news from KIRO 7**

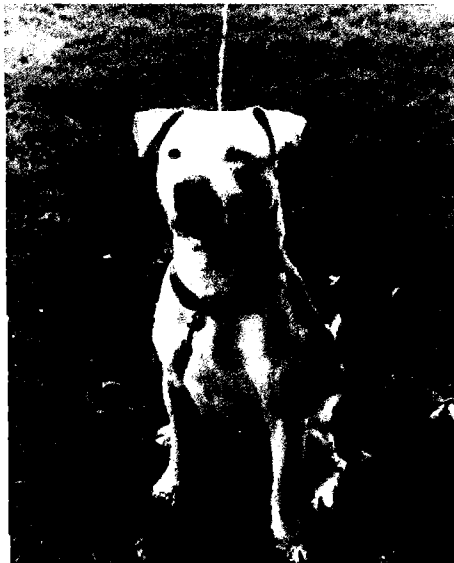
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# Massive, unregulated networks move dogs into Virginia to save them from death. Some worry it's putting people at risk.

By Ryan Murphy and Amir Vera  
The Virginian-Pilot  
Sep 28, 2017



My Rescue  
Learn to Remember your Favorite Animals and Breeds!  
Learn more about the American Pit Bull Terrier.  
Print an adoption flyer for Blue!



### About Blue

- Status: Available for Adoption (adoption info)
- Species: Dog
- General Color: Tan/Yellow Fawn with White
- Current Size: 50 Pounds
- Current Age: 1 Year (best estimate)
- Housetrained: Yes
- Obedience Training Needed: Has Basic Training
- Grooming Needs: Moderate
- Shedding Amount: Moderate
- Reaction to New People: Friendly

### More about Blue

Good with Dogs: Good with Older Considerate Kids Only: Good with Adults: Does Good in the Car: Leashed/Trained: Craterained: Plays fetch: Likes to play with toys: Obedient: Playful: Affectionate: Eager To Please: Intelligent: Even-tempered: Gentle: Coosy

Screenshot of an ad on Forever Home Rescue and Rehabilitation Center's website for the dog which attacked and killed a 90-year-old woman in Virginia Beach. The screenshot was obtained from the woman's family.

36
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 60 Shares

When a year-old pit bull named Blue attacked and killed a 90-year-old Virginia Beach woman in May, there were a lot of questions.

Chief among them: How did a dog from New York with a history of aggression wind up in the home of an elderly woman in Virginia?

Like tens of thousands of dogs before him, Blue had been saved from euthanasia and transported to another state through an informal network of animal lovers. These volunteers spend their time and money to rescue dogs from municipal shelters by shuttling them to fosters or adopters in other parts of the country. They see it as a win for everyone – it eases overcrowding at shelters, keeps dogs from being euthanized and loving families get pets.

But there are no laws in the U.S. about tracking dogs moving across state lines. Rescue groups say they self-police and emphasize transparency, but critics say the lack of regulation may put adopters at risk if they unwittingly take in dogs with behavioral problems. They say details about a dog's past aggression can be lost in the shuffle or obscured by well-meaning rescuers.

The daughter of the Virginia Beach woman who was killed said in a lawsuit that's what happened to her. She wasn't made aware of Blue's bite history when she adopted him. Media from around the country have reported similar incidents.

There are some pushing for legislative oversight of this pet pipeline, but few inroads have been made. In the meantime, thousands of dogs are moving across state lines every year with little oversight.

## The network

Volunteer pet transport groups got their start in the aftermath of Hurricane Katrina in 2005.

The Louisiana SPCA said it was faced with rescuing more than 15,500 animals after that disaster, and other groups handled thousands more.

"Shelters and fostering agencies stepped in to help because there was no single facility in Louisiana large enough to house them until their owners could be located," the group said on its website about the rescue efforts. "This resulted in rescued animals being transported all across the country for holding in hopes of future reunion."

The mission to help get pets out of New Orleans was driven in part by the "no-kill" movement, which started in California in the 1980s. The movement looked to end euthanasia as a means of keeping shelter populations down.

Within the movement there are disagreements about how to achieve the goal. Some think every single potentially salvageable animal should be saved, while others take a more pragmatic approach.

"There are some that think we need to spend thousands to save this one dog with surgery, versus saving hundreds of animals with that money," said Yvonne Gefrich, founder of Norfolk-based No Kill Virginia.

Gefrich says her goal is to save 90 percent of the animals up for euthanasia.

"Some (dogs) are not rehabilitatable at the behavioral level, and some are just not healthy," she said.

The loosely organized pipeline starts with groups pulling dogs out of shelters where they are scheduled to be put down, most often due to overcrowding. Those groups then move them to areas where there is a foster or adopter waiting for them, sometimes several states away.

One of the largest municipal shelters in the nation, the Animal Care Centers of New York City, allows more than 300 rescue groups to adopt dogs on the weekly "kill list."

"The logic behind making the at-risk list public was to give people a final chance to adopt an animal that is showing signs of medical or behavior issues," said Katy Hansen, the center's spokeswoman.

The program has largely been successful. The New York Times reported that the center's euthanasia rates dropped from 60 percent of the dogs they handled in 2003 to 13 percent in 2016, and the shelter's adoption rate has climbed significantly.

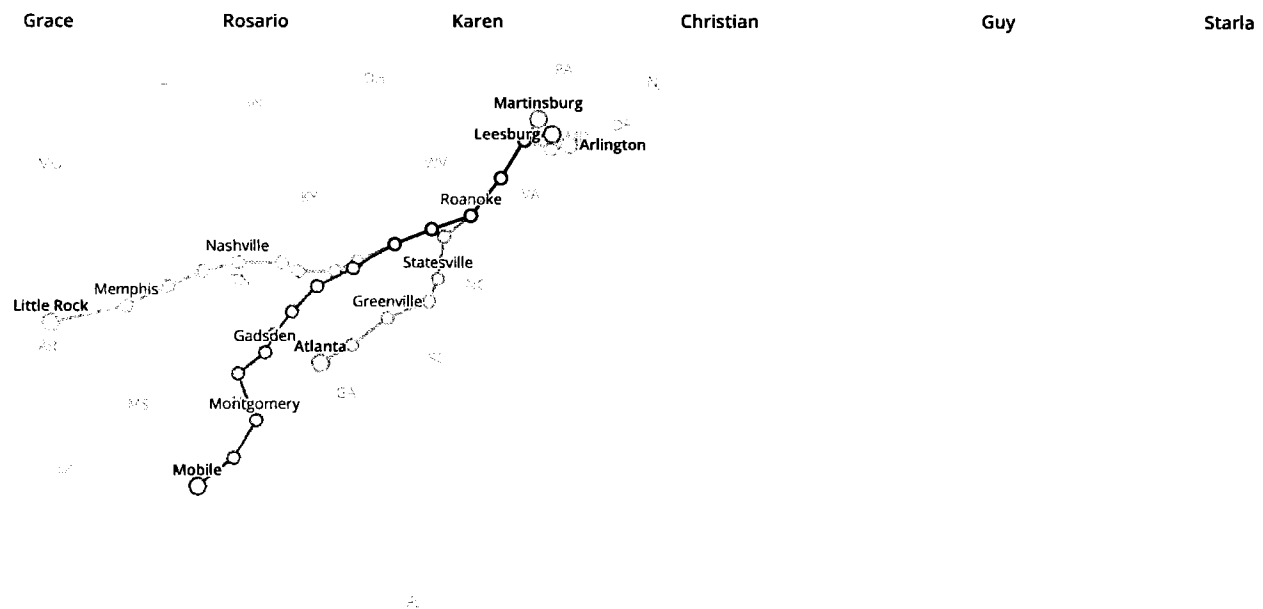
Last year, more than 11,700 dogs came into Virginia from out-of-state shelters or rescues, according to the Virginia Department of Agriculture. The majority of those dogs came from shelters or rescues and ended up with home-based rescue groups.

Heidi Kozubal, a planning and logistics coordinator for a multinational company in Pennsylvania, serves as a transport coordinator for a Facebook group called I-81 Transports.

## Paths of the pooches

Unregulated networks of volunteers are moving dogs around the nation to help them escape euthanasia and find adoptive homes. The I-81 Facebook group moves several thousand animals each year. Here are three routes taken one weekend in September.

Click on a dog for more information.



Leaflet

Built by Will Houpp | The Virginian-Pilot

Kozubal describes the group of about 5,000 members scattered across the eastern U.S. as “a cross between the Underground Railroad, the Pony Express and Hands Across America.”

The two major routes dogs take in this part of the country are from underfunded Southern shelters northward and from New York to other areas in the Northeast and mid-Atlantic.

Most of the dogs moved by I-81 Transports go north on the interstate. On a given weekend, there can be anywhere from 200 to 300 drivers handling a couple dozen runs, Kozubal said.

Each volunteer signs up for a leg of the trip – usually a drive of about an hour.

One weekend in mid-September, the group coordinated the transport of 57 dogs. Most of those trips spanned several states, and some animals trekked more than 2,000 miles over a couple of days.



I-81 Transports, which moves a couple thousand animals every year, is just one of many such groups, each with thousands of members. A nationwide group called Animal Rescue Transport Network boasts nearly 11,900.

The I-81 group does some self-policing. People who sign up to drive and don't show up or who otherwise run afoul of the group's rules are put on a running "Do-Not-Transport" list.

The group keeps a similar list of rescues that have been flagged as bad actors. It also requires a bill of health issued by a veterinarian for all dogs it transports, though that document does not typically include long-term medical or behavioral records.

Kozubal says when I-81 Transports moves dogs with bite histories, the group makes sure everyone along the way knows about it.

"We have people who bring their elderly parents along, we have people who bring kids," she said. "You're going to put that dog in somebody's car."

Kozubal said in her group, a couple of people get bitten each year, but no one has been seriously injured.

Home-based foster rescues, such as Fur-Ever Home in Virginia Beach, are the last way station for the animals before hopefully finding a permanent home. Kelly Martin started Fur-Ever Home in 2012, and it has grown to a network of a few dozen foster homes across Hampton Roads. It has no affiliation with Forever Home Rehab Center, which had taken in Blue before adopting him out.

Fur-Ever Home has handled over 800 dogs in the past five years, Martin said. More than half of the dogs they accepted in 2016 came from outside Virginia.

Martin and her small core of volunteers go to great lengths to assess the temperament of a dog before placing it in a home, she said, and they emphasize transparency for fosters and potential adopters.

"We don't take chances. When we adopt a dog out, we have to be absolutely sure that dog can be trusted," Martin said. "I have to ask myself, 'Would I feel safe if the dog got off the leash or out of the yard?'"

But it's not perfect. Some people running these groups will try to game the system, and it can be hard for those looking to adopt a dog to "tell a good rescue from a bad one," she said.

Martin said there are transporters who don't bring a medical certificate and even savvy rescuers sometimes take in a dog without all the facts.

"Some of the rural shelters will lie and will tell you things, and you'll get the dog and it's not what you were told ... because they don't want to put it to sleep," Martin said.

Martin said she subscribes to the no-kill philosophy, but has had to learn some hard lessons.

"When I started, I thought I could save them all," she said. "Sometimes you fail. Sometimes you have to put dogs to sleep," either for medical or behavioral reasons.

## Lack of regulation

For instance, barring or impeding the flow of dogs across state lines would be a blow to the rescue community, she said. The animal alliance is planning to push such a bill in Florida in the coming year. That law would ban groups from importing dogs from outside the state.

Virginia legislators have attempted to introduce a few bills to set some limits – from creating registries to prohibiting the sale of out-of-state animals – but none has made it out of committee. Despite the failures, some continue to push for more regulation.

Stephanie, a pet store owner from Virginia who asked not to be fully identified for fear of harassment from animal activists, has been working with Strand and the animal alliance to put together a plan to pitch to state lawmakers.

Stephanie recalled how a dog linked to an attack was once advertised for adoption as “being great with kids,” which she says puts everyone at risk.

“Aggressive breeds are being rescued out to uneducated homes,” she said. “I’m pro-pit bull, I’m pro-adoption, but I’m pro-responsible.”

Rescues, especially when dealing with powerful or aggressive breeds, should be under closer scrutiny, she said.

“I think that (rescues) should abide by the same consumer protection standards as the pet industry.”

Strand points to a 2003 instance in New Jersey in which a shelter adopted out a dog that had been scheduled to be euthanized after it bit its original owner.

The dog, a Doberman pinscher, fatally attacked its new owner, a 66-year-old woman.

The Burlington County Prosecutor’s Office wrote that there was no legal precedent anywhere in the nation “which imposes liability on an individual or entity which sells or gives an animal to a third party where the animal subsequently kills or injures another person.”

The animal alliance’s lobbying efforts have had modest success – they’ve gotten laws passed in Colorado, Florida and in states in the Pacific Northwest – but Strand said many politicians are loath to get embroiled in such a debate because they don’t want to be branded as “animal haters.”

“People in power, when they see what’s really going on, are horrified and want to do something, but politically these humane groups ... are very, very frightening,” Strand said. “Everybody knows what the right answer is, but they’re afraid they won’t get re-elected.”

Kozubal, the organizer for I-81 Transports, said the volunteers in these groups aren’t zealots, they simply want to help.

“We are not some rogue political group,” Kozubal said. “We are not people who tie ourselves to a building chanting. We’re just people who love dogs.”

Ryan Murphy, 757-446-2299, ryan.murphy@pilotonline.com

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Fatal attacks by rescue animals are rare. Just three of 34 fatal attacks in 2015 were by dogs recently adopted from shelters or rescues, according to DogsBite.org, a national dog bite victims group that works to reduce serious dog attacks.

But media reports from the last few years have made note that several dogs involved in serious attacks around the country had been relocated by a rescue not long before – as was the case with Blue, who killed Margaret Colvin in Virginia Beach.

Blue was adopted in May from Forever Home Rescue and Rehabilitation Center, a group that claimed it could retrain dogs with “uncontrollable behavior problems.” Within hours of Blue’s adoption, he mauled and killed Colvin.

Before ending up in Virginia, Blue was surrendered to the Animal Care Centers of New York City for biting a child and was scheduled to be euthanized, paperwork from the shelter said. The dog was rescued from the shelter by a group who then surrendered him to Forever Home for rehabilitation and adoption.

Linda Patterson, Colvin’s daughter and the woman who adopted Blue, said in a lawsuit against Forever Home that she was never given any records or notification of the dog’s bite history.

Patti Strand has been involved in dog breeding for decades, spent years on the board of the American Kennel Club and is now a board member of the National Animal Interest Alliance, a group comprised of business groups in a variety of animal fields. Strand and the alliance have pushed for laws to guide volunteer groups, rescues and shelters.

“Our laws all the way through the process are just terribly lacking. We think this is a real problem for society,” she said. “It’s totally unregulated and it’s the worst kind, especially in this era when dogs are being shuttled from state to state.”

Strand said 20 years ago, shelters put down dogs at the first sign of aggression. Now, she said the mass movement of dogs across state lines coupled with the “furor of no-kill” creates an “emotionally based test of what is adoptable.”

“Every dog is adoptable because every dog has a story,” Strand said. But she does not believe every dog that’s been mistreated can be rehabilitated.

Strand says legislation may help, but few laws have been passed that take aim at the problems.

“It’s going to take a while to bring them under control like we should because it’s the Wild West.”

Virginia requires an account of dogs moving into and out of each shelter and rescue, but that doesn’t do much to guarantee the health and safety of dogs or adopters.

The National Animal Interest Alliance shops a model law to legislators, the Dog Buyer’s Protection Act, which would require a dog’s complete medical and behavioral history be disclosed to a new owner when buying or adopting a pet.

“The public aren’t dog experts,” Strand said. “They come in with their hearts, not their heads. They don’t know about dog behavior.”

Martin, the woman who runs Fur-Ever Home in Virginia Beach, said she and other rescues would accept some oversight.

“Do I think there should be regulations on who can pull from where and how? Absolutely,” she said.

Martin also believes guidelines about operating a rescue would be helpful so that there would be a baseline set of health and safety requirements, and adopters would know more about what they are getting into.

However, she’s skeptical of a state’s ability to enforce such a law and says regulation could go too far.

There is no definitive list of serious dog attacks, but advocacy groups and scattered news stories from around the country help shed some light on the issue.

In May, a 90-year-old Virginia Beach woman was killed by a pit bull named Blue, hours after her daughter adopted the dog from Forever Home Rehabilitation Center, a local rescue group that claimed to be able to train dogs with aggressive histories.

In April, a pit bull at Angel Ridge Animal Rescue in Chartiers Township, Pa., attacked a woman and her 4-year-old daughter, according to media from Pittsburgh, Pa. Angel Ridge's website lists several dogs for adoption that were transported from southern shelters.

In March, a dog rescued from a Humane Society shelter in Iowa attacked a 15-month-old boy and tore off a large portion of his face, according to the Clinton Harold. The boy's parents filed suit against the dog's owners and the Clinton Humane Society, saying that the shelter didn't sufficiently warn the new owners to take precautions with the animal and billed the dog as child-friendly. The lawsuit notes that the dog was brought to the shelter from Louisiana, where the dog spent five months and was facing euthanasia.

In February, a 75-year-old woman in Queens, N.Y., was attacked and killed by a mastiff she recently adopted. The dog also attacked the woman's 39-year-old autistic son, according to WABC in New York.

In November 2015, a 5-year-old male Rottweiler adopted from the Jackson, Tenn., animal control facility attacked and killed a man the day he brought it home from the shelter. The dog also attacked the man's wife and his co-worker before it ran out of the home and was shot by a Sheriff's deputy, according to The Jackson Sun.

A father from New Jersey claimed that Second Chance Rescue, a rescue that pulls dogs from the Animal Care Centers of New York City, hid the history of a pit bull that he adopted from them, according to a New York Post article from 2014. The dog, named Melo, later attacked his two young children, first biting his 9-year-old daughter on the leg. His 13-year-old son pried the dog off his sister and was bit on the face, requiring five stitches. The New York Post story says before the dog was adopted out, the Brooklyn Animal Control Center wrote in a report that the dog shouldn't be placed in a home with children.

In Union City, N.C., in 2014, a woman rescued a German Shepherd named Paul that was scheduled to be euthanized due to aggression. The dog, picked up as a stray by Rowan County Animal Control, was described as "aggressive and unsocialized" and bit a deputy when he tried to put a leash on the dog, according to a story from WBTV. However, Rowan County allowed a woman who said she'd successfully rehabilitated aggressive dogs before to take Paul home instead. Two weeks after he was adopted, Paul mauled the trainer and a woman working with her. A sheriff's deputy responding to the scene shot the German Shepherd after it attacked him as well.

## MORE INFORMATION

# Animal Law Update

Commentary on Animal Law and Legal Issues

## **Pet Stores Under Attack-Pet stores do not contribute to local overpopulation**

By Nancy E. Halpern, D.V.M. on October 5, 2016

Pet stores used to be the primary source for puppies in the U.S. That role has drastically changed—rescues and shelters are now the dominant providers of pets, replacing pet stores. In fact, thousands of puppies are imported into the Northeast to supply the increasing demand for “rescued” pets, as promoted with million-dollar campaigns from nonprofit animal rights organizations’ intent on eliminating commercial dog breeding, hobby breeding, and sales from pet stores.

At the same time, shelters, condemned by the public for euthanizing animals are now transferring animals to other shelters and rescues to improve their euthanasia statistics.

The overpopulation of dogs in many municipalities and towns is often used as the reason that pet store sourcing bans are necessary. However, this is a false premise. The overpopulation of purposely-bred pets sold by pet stores has been effectively controlled for years. For years states, particularly in the Northeast, have adopted programs to encourage responsible pet owners to spay and neuter their pets. Most of these programs, largely focused on subsidizing these surgeries, have been effective in reducing the number of unwanted puppies in this part of the country. Maine has had a spay/neuter program for many years called Help Fix ME, run through the Department of Agriculture’s Animal Welfare Program and intended for income-eligible individuals. The program provides funds to reimburse veterinarians to spay/neuter cats and some breeds of dogs. Over the years that it has been in existence this program has enabled thousands of individuals to adopt pets, have them neutered at a low cost (for a nominal co-pay), and enjoy the companionship that pet ownership can provide.

New York has a similar program—Animal Population Control Program—run for the State Department of Agriculture and Markets, Division of Animal Industry by the ASPCA. Similar to Maine’s program, the New York State program underwrites the cost of neutering cats and dogs for income-eligible individuals. Interestingly, eligibility requirements state that animals must not have been imported from outside the State of New York.

As spay/neuter programs succeeded, at least in the Northeast, the numbers of readily adoptable dogs at shelters, and those requiring euthanasia, was in rapid decline. In the City, there appears to have been a similar decline, based on reports from the Mayor’s Alliance for NYC’s Animals, demonstrating a remarkable decline in the euthanasia of unowned dogs and cats in the Shelter. Animal Care & Control in NYC has had a significant decrease in the number of dogs housed in the shelter and an 81% decrease in the number of dogs euthanized since 2003. According to Risa Weinstock of the Animal Care & Control Program in the City, pit bulls (which are not sold by pet stores) are the most prevalent breed in Shelters. Weinstock testified that much of the overpopulation problem at Shelters comes from irresponsible pet ownership and breeding for profit, particularly of pit bulls which sell for over \$1000 dollars per puppy adding that “[t]he majority of the dogs that we take in and the majority of our population are pit bulls and pit bull mixes . . .”

According to Tufts’ Gary Patronek – the Director of Tufts’ Center for Animals and Public Policy at Tuft’s School of Veterinary Medicine – U.S. shelters may be a victim of their own successes. “The drive to have dogs spayed and neutered in the USA

has cut down on unwanted litters. And adoption campaigns have helped empty dog pounds . . . people who want to adopt dogs increasingly find aged dogs or undesirable breeds like pit bulls at shelters . . . In the last seven years, one organization in Puerto Rico has shipped more than 14,000 strays to the states for adoption.”

A recent study of 18 U.S. animal shelters to identify “the types of dogs present in today’s animal shelters,” confirms that the population of dogs in shelters are not purebred dogs from the pet stores. The National Animal Interest Alliance found:

According to this study, the number of purebreds in U.S. animal shelters is closer to 5% (5.04%) than to the 25% so commonly cited by national animal organizations and quoted by the media. It is interesting to observe that the number of purebreds in shelters would be 3.3% were it not for two breeds that are overrepresented, Chihuahuas and dogs described as Pit Bulls. Together, these two breeds account for 35% of all purebreds listed by shelters in this study. The public seems to be aware that dogs described as Pit Bulls are overrepresented in American shelters. What is not well known is that Chihuahuas are the single most numerous purebred found in shelters today. Because Chihuahuas are small, attractive to adopters and highly adoptable, their numbers are especially high in shelters that import dogs for adoption.

It is clear that blaming pet stores on the overpopulation of unowned, stray dogs is yet another example of the intentional misrepresentation of facts used by retail rescue organizations and law makers to support pet store sourcing bans. If cities like New York are concerned about the number of dogs in its shelters, they should ban the importation of the thousands of dogs imported through retail rescue channels that are most likely to end up in animal shelters.

## Animal Law Update



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## Animal Law Update



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## Dog rescued from shelter attacks 3, fatally shot by deputy

By Coleen Harry | April 16, 2014 at 8:06 PM EST - Updated July 21 at 11:28 AM



Source: Facebook

UNION COUNTY, NC (WBTV) - The German Shepherd that was rescued from euthanization two weeks ago, then shot and killed Sunday afternoon by a Union County deputy after the dog attacked three people, was first picked up as a stray in Rowan County.

According to documents from Rowan County Animal Control, the dog was "trapped as a result of a 911 call" on Saturday February 15. Officers say the dog was aggressive, and unsocialized.

Shelter workers said six days later at the shelter, the dog bit a Sheriff's Canine Deputy, who was trying to see if he could work with the German Shepherd.

According to the Animal Bite report, the Deputy "went to put a leash on the dog and it bit."

The Deputy was bitten on his left and right wrists.

It wouldn't be the last time the dog would bite someone.

At the end of March, shelter officials agreed to adopt out the dog, even though it was aggressive.

Sunday afternoon the dog turned on its new owner and a woman who were trying to socialize it.

The Union County Sheriff's Office said they received a 911 call just before 2:30pm Sunday that a dog was attacking two women at Crossing Paths Park in downtown Indian Trail.

WBTV obtained a copy of the 911 call.

The caller said: "It's a dog bite. Call the police and get an ambulance here." The 911 operator responded: "Did the dog attack someone?" And the caller said: "Yes, please!"

Seconds later, the caller said: "There is a certified trainer here. We were working with the dog, and the dog turned." The operator said: "Ok, did it attack someone in the face?" And the woman who called said: "Yes."

The day in the park was supposed to be a socialization session for the German shepherd named Paul.

The dog had a face book page in his name "Paul - the dog that got a second chance" where his owner chronicled his life after she rescued him.

She wrote on his behalf "I was due to be put to sleep for aggression. This is my story on my rehab and my second chance."

It started back in March when Chivon Winter posted "Share this page! The general public needs to see that there are alternatives to addressing their dog's bite history/aggression rather than euthanasia. If your dog bites or has aggression, don't put it to sleep...get help from Dual Purpose Dog Training."

The shelter eventually allowed Winter to take the dog and she posted video of the day she picked Paul up from the shelter.

According to the face book page, Winter worked with the German shepherd over the last two weeks.

On Sunday, Winter and another woman, took the dog to the park to work on socialization.

The Union County Sheriff's Office said the other woman was feeding the dog when it suddenly turned on her and bit her in the face.

"The owner was bit, I believe, when they were trying to hold the animal down" said Captain Goodman.

In a statement to WBTV, Winter said, "Friends and supporters, it is with a very heavy heart that I report the death of Saul, AKA Paul. On Sunday April 13, during a socialization session with Saul, he lashed out at an adult that has extensive experience with many types of dogs and knew of Saul's history. My immediate instinct was to pull Saul from this volunteer. I received the brunt of attack to my hands and forearms to keep others safe. 911 and animal control were immediately called and responded emergently. Animal control did everything in their power to try and control Saul, but Saul could not be calmed. His life was ended."

She added "In the previous weeks leading to this event, Saul only barked at those who he did not know and quickly changed his mood and demeanor with positive reinforcement of wanted behavior. He showed a high level of intelligence and willingness to please without signs of aggression during training or routine socializations. Saul was in my opinion making excellent progress."

Winter said "please give us time to recover from this tragic incident. If I do not respond it is because I am having a very hard time typing. We also understand that everyone is entitled to an opinion whether good, bad or indifferent. I will do my best to answer questions, but will not respond to speculation. Please direct all questions and comments to dualpurposedogtraining@gmail.com"

During the 911 call, a woman told the operator "we've got a lady down on the ground and bleeding, you've got to get here."

A deputy arrived and tried to treat the victim who was bitten in the face. The officer also called for back up.

A second deputy, who was nearby at the Sheriff's Office sub-station in Indian Trail, ran over to the park with a catch pole and took the dog from its owner.

"But the dog started to get away from the officer with the catch pole" said Capt. Goodman. "And it bit the officer in the ankle on the boot. That officer didn't sustain any injuries but the dog had his mouth around his leg."

Police say the deputy became concerned for his safety.

"At that point the officer felt like he was losing control of the dog, pulled out his service weapon and fired two rounds into the dog."

The dog died.

Police said the woman who was bitten in the face was taken to a local hospital where she was treated and released, and the dog's owner was treated on the scene.

Deputies say the German shepherd was sent off for rabies testing, and that Winter produced paperwork that showed the dog was current on rabies vaccination.

Now, deputies are wondering why the dog with prior aggression issues was allowed to be taken.

"Right now we're just trying to find out the background of this animal to see if there's anything we can do at this point" Capt. Goodman said. "We {Union County} don't normally adopt out animals that have a history of biting people."

Police said they had no contact with the dog in Union County before Sunday's attack.

Captain Macky Goodman said "when we asked her where she had gotten it from, she told us she had signed a non disclosure statement with the people she had gotten it from stating she couldn't talk about that."

Late Monday afternoon, Capt. Goodman said his office was able to confirm the dog was rescued from Rowan County Animal Shelter.

WBTV reviewed some of the documents regarding the dog.

After it bit the Rowan County Sheriff's Canine Deputy back on February 21st, shelter workers checked the box that said the dog's temperament was "aggressive", and placed it in the required 10 day rabies quarantine.

County officials told WBTV the dog was scheduled for euthanasia because it had no known owner and was aggressive.

But the public started to rally to save the dog. County officials say several people contacted them to adopt the German Shepherd.

Officials say before the dog was to be put to sleep, Winter - the dog trainer - contacted the Animal Control Supervisor with an alternative resolution.

Clai Martin, Rowan's Animal Control Supervisor, told WBTV in an email "the trainer assumed full responsibility for Paul, Paul's training and gave reasonable assurances that she had been successful in the past and would not endanger the public as part of Paul's training."

The Animal Shelter took an unprecedented step and agreed to an alternative solution to euthanasia for a dog that was aggressive and had no owner.

County officials drew up a 'Consent for Release and Indemnity Agreement that had several requirements, among them - when outside the dog would "be housed in a chain-link fence or privacy fence that is a minimum of 10 feet X 10 feet, 6 feet tall, secured with a padlock and with at least four "Beware of Dog" signs posted on the lot."

The dog was not allowed "to run at large or in any way leave the property unless under restraint."

The agreement said "while in Winter's care, if left unattended, Paul shall be housed inside Winter's training facility {next to her house} in a secure kennel."

And, the dog was to be "muzzled" if taken off the property, "unless Winter deems it necessary to a training exercise and the dog's successful rehabilitation for the muzzle to be removed for training purposes."

The agreement said the county will not be held liable for any adverse action related to the dog.

And, Winter could adopt out the German Shepherd after he was with her for "a minimum of three months from the date of his arrival, was evaluated through temperament testing by Winter and trained to correct issues.

County officials say even though there is a non disclosure clause in the agreement, all County agreements are public documents.

Neya Warren, the attorney for the trainer who adopted the dog contacted WBTV Wednesday and gave the following statement:

"Chivon Winter has five years of experience as a dog trainer and has successfully rehabilitated dogs with known bite records. Paul had bitten one person prior to Sunday. Paul had engaged in rigorous training for two weeks prior to Sunday and had performed beautifully. He was at the park on Sunday for a training exercise with Ms. Winter and three others who were assisting in the exercise. All three have experience with dogs, knew of Paul's history and understood the risk involved in assisting with his training. There were no other people in the park. Ms. Winter would not have conducted the exercise there had others been present. There were three people injured by Paul - Ms. Winter, one of those assisting in his training, and an officer on the scene. My understanding is the officer was bruised on his ankle. No member of the public was injured and Paul was never running at large. Those injured do not require further treatment."

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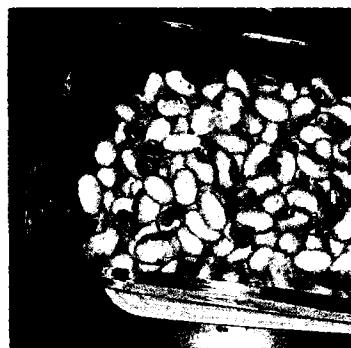
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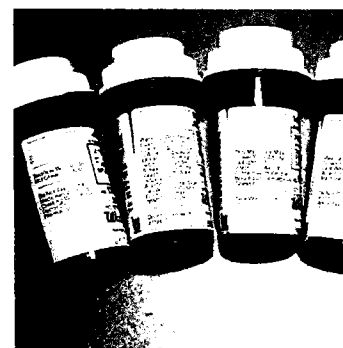
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## "I'll never forget that sight": Woman recounts dog attack that killed her 90-year-old mother

By Jane Harper  
The Virginian-Pilot  
Jun 1, 2017



Mary Beth Gahan | The Virginian-Pilot

This is the Virginia Beach home where a 90-year-old woman was fatally attacked by a pit bull terrier mix on Wednesday.

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### VIRGINIA BEACH

A rescue group delivered the tan-and-white American pit bull terrier named Blue around noon on Wednesday.

The year-old dog seemed to bond quickly with everyone in the house in Pembroke Manor, including the two other dogs that lived there, said the woman who adopted him.

Linda, who spoke on the condition that her last name not be published, was immediately smitten.

So was her 90-year-old mother, a lifelong animal lover with whom she lived.

“She thought he was cute,” Linda said. “As soon as he got here, he ran right up to her and she gave him a biscuit.”

But later that evening, as Linda’s mother struggled to get up from a fall, the dog attacked her.

By the next morning, she was dead.

It was the first fatal dog attack that Virginia Beach Animal Control has ever investigated, said Supervisor Rebecca Franklin.

The dog was quarantined, as the state Health Department requires. It will be observed for the next 10 days to check for rabies, and then the department will decide its fate, Franklin said.

“We’re still actively investigating and trying to piece everything together,” she said.

Linda believes it should be euthanized.

“I told them they didn’t have to wait 10 days,” she said.

Linda spoke to The Pilot on Thursday and asked that her mother’s name not be published and that she be identified only by her first name.

Linda said she adopted Blue from Forever Home Rescue and Rehabilitation Center on Broad Street in Virginia Beach after paying a \$20 adoption fee.

“We send out our deepest condolences,” read a statement from the nonprofit that said the dog had never shown aggression. “We do not know what events transpired in the moments before this tragedy occurred with Blue’s owners’ mother, and none of us could have ever predicted this horrible event. We are devastated for the ... family and our thoughts and prayers go out to them.”

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Linda said she wanted to get a dog because she hadn’t had one in years. Her mother owns a 12-year-old feist terrier named Jack, and her daughter also has a dog.

“I thought, ‘I’m going to rescue a dog and give a home to one that really needs one,’ ” she said. “I thought I could give him a good life.”

She was told that Blue, who weighed about 50 pounds, was gentle with older children and other dogs.

Linda said she was in the backyard with the dog when she noticed that shock and canvas collars seemed to be tight so she took off both.

It was around that time that she noticed that her mother – who was diligent about keeping the doors bolted – had locked her out.

Linda knocked and called out to her mother, but the woman had fallen in her room and couldn't get up.

Linda said she grabbed a hammer and broke a window pane to get in.

She was walking into her mother's room when Blue ran behind her mother and playfully put his paws around the woman's shoulders as she struggled to get to her knees.

Linda said her mother seemed irritated by the dog's actions and yelled at it.

"She said, 'Get the heck off of me,' or something like that. I think it riled the dog up."

Soon the dog was biting her mother's arms, abdomen and thighs. Linda tried to pull Blue off to no avail. She even swung the hammer that she had used to break the window and tried zapping him with the shock collar, but he would not stop. The dog turned on her, biting her in the upper arm, leaving teeth marks and a large wraparound bruise.

The whole time her mother pleaded with her to get him off.

Eventually she was able to free her mother and call 911.

"I've had animals all my life and I have never seen an animal act like that. It was horrible," Linda said. "I'll never forget that sight."

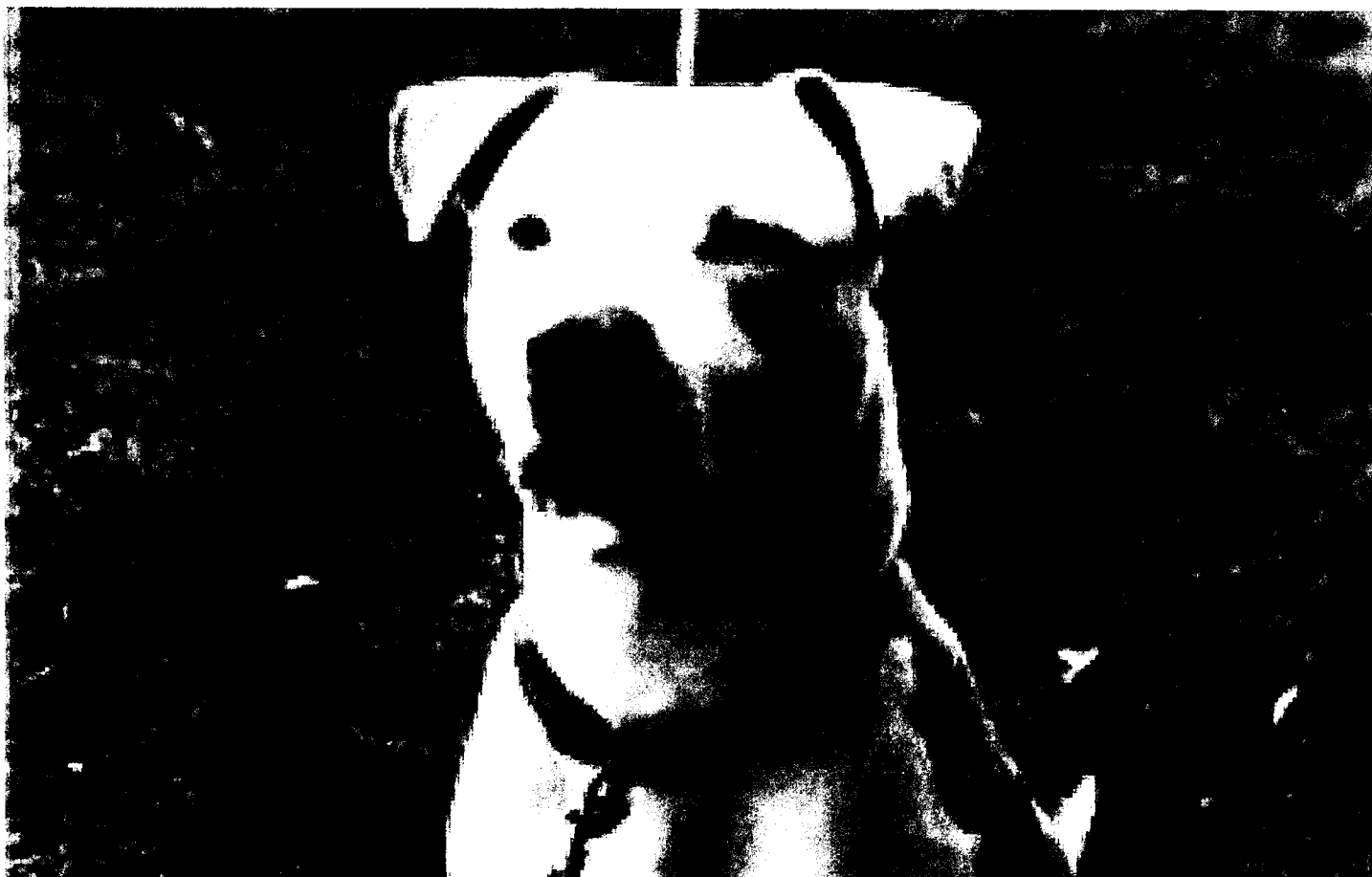
**Complete statement from Forever Home Rescue and Rehabilitation Center (it has been edited to exclude family's last name):**

*"We send out our deepest condolences to the ... family who adopted Blue. Blue went through our 3 month board and train program, and was a favorite amongst all of the staff members and volunteers. Blue loved other dogs, and didn't know a stranger. He never showed any aggression while at our facility, and passed his final evaluation with flying colors before being adopted out to the ... family. Trainers spent yesterday morning checking over Blue's new home and going over training with Blue's new owner. There were 2 other dogs in Blue's new home, who Blue immediately bonded with. We do not know what events transpired in the moments before this tragedy occurred with Blue's owners mother, and none of us could have ever predicted this horrible event. We are devastated for the ... family and our thoughts and prayers go out to them."*

Pilot writer Mike Connors contributed to this report.

Jane Harper, 757-222-5097, jane.harper@pilotonline.com

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## Mike Connors

Reporter

Mike Connors covers education for The Virginian-Pilot. He has worked for the Pilot since 2006, first as a copy editor, then breaking news and public safety reporter. He has been in journalism since graduating from the University of Richmond in 2000.

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## Jane Harper

Reporter



Jane Harper covers courts and crime in Virginia Beach for The Virginian-Pilot. A native of Southeast Texas, she earned her journalism degree from The University of Texas, and worked at papers in Texas and Maryland before moving to Norfolk in 1994.

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# Animal Law Update

Commentary on Animal Law and Legal Issues

## Pet stores under attack-sourcing bans violate the Supremacy Clause

By Nancy E. Halpern, D.V.M. on October 3, 2016

The interstate pet market has been targeted for decades by NGO's intent on eliminating purposely-bred pets and replacing them with randomly-sourced and irresponsibly-bred pets sold through rescue and shelter channels. According to the Humane Society of the United States (HSUS) more than "140 jurisdictions nationwide" have recently passed pet store sourcing limitations or bans, with 35 local bans passed in the first five months of 2016 alone. The patchwork of ordinances affecting retail pet stores and their sources are decimating the interstate pet market and create an impermissible obstacle to the mechanisms USDA has adopted to enforce the Animal Welfare Act (AWA). These ordinances, therefore, violate the Supremacy Clause and are preempted by the AWA.

There are two ways a local jurisdiction can adopt laws governing the pet market without running afoul of the Supremacy Clause.

1. Local jurisdictions may require pet dealers, including Class B licensees and USDA exempt breeders to be licensed and comply with standards in addition to those prescribed in 7 U.S.C. § 2143(a)(8)(1); or
2. Local jurisdiction may protect their citizens against dangerous animals, infectious diseases, or other hazards to public health.

The pet store sourcing bans do neither. The sourcing bans do not require additional humane standards of care by market participants—they simply ban sales from certain (licensed) sources in favor of unlicensed, randomly sourced pets, without regard to any requirements relating to animal care or welfare. The sourcing bans are also unrelated to public health or safety concerns that would be defensible under police powers. Banning sales of puppies from licensed or exempt sources and limiting or favoring sales from rescue channels does not protect local consumers from health or safety risks—in fact, it increases the risk of importation of infectious diseases and parasites.

These sourcing bans are a significant hindrance to the mechanism Congress established in the AWA to ensure that animals in interstate commerce are treated humanely. The interstate pet market includes breeders, wholesalers, and retailers. Some of these entities, like retail pet stores that sell face-to-face or breeders with four or fewer breeding females are exempt from licensure under the AWA, but they are nevertheless part of the interstate market. The public lacks an understanding of the depth and breathe of the interstate pet market, and the comprehensive licensing scheme USDA has deployed to enforce the AWA.

A state law is preempted if it “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.” *Int’l Paper Co. v. Ouellette*, 479 U.S. 481, 492 (1987). The Supreme Court’s obstacle preemption analysis in *Geir* is instructive here. The Court found that a state law that would have required manufacturers of all Honda Accord and similar cars to specifically install airbags which the Court held “would have stood ‘as an obstacle to the accomplishment and execution of’ the important means-related federal objectives” set forth in the National Traffic and Motor Vehicle Safety Act, and was therefore preempted. *Geir v. Am. Honda Motor Co., Inc.*, 529 U.S. 861, 881 (2000).

Here, Congress and USDA, through the AWA, identifies specific classes of licenses and requires pet dealers to qualify for and maintain humane standards of care to be federally licensed, unless they have specifically exempted certain breeders from licensure because they already provide such care. By banning sales from these entities without regard to the care they provide their animals, the sourcing bans interfere with this specific method Congress has established.

Despite the fact that the sourcing bans do not require more rigorous standards of care than required in the AWA and by the USDA, NGO’s have succeeded in convincing legislators and the public that these sourcing bans are needed because the standards of care enforced by USDA do not provide “humane” standards of care, and even if they did, that USDA has “allegedly” proven it is unable to enforce those standards. While local jurisdictions may require standards of care that exceed those mandated by the AWA (which they have not done), they cannot redefine what qualifies as “humane standards of care.” Congress has not amended the AWA to strip USDA of its authority or declare the standards deficient even though it has had ample opportunity to do so.

Further, the national patchwork of sourcing bans conflict with each other and the AWA and is precisely the situation the Supremacy Clause was established to avoid. *See, e.g., Darling v. Mobil Oil Corp.*, 864 F.2d 981, 984 (2d Cir. 1989) (establishing a “single, uniform set of rules to regulate the grounds for termination and nonrenewal and eliminate the uneven patchwork of rules governing franchise relationships which differ from State to State.”) (internal quotation omitted); *Panecasio v. Unisource Worldwide, Inc.*, 532 F.3d 101, 113 (2d Cir. 2008) (rejecting “a patchwork scheme of regulation [that] would introduce considerable inefficiencies”) (internal quotation omitted). If such laws are not enjoined they will cumulatively render the federal law superfluous to the local sales bans or, at best, be subject to a labyrinthine patchwork of local regulation.

For example, pet stores in many localities, like Albuquerque, N.M., are not permitted to sell dogs or cats. Albuquerque, N.M. City Ordinance § 9-2-3-12. In Sunrise, Florida pet stores can only purchase from shelters, rescues, or “hobby breeders” who are limited to producing one litter per year per breeding dog (male or female). *Maryeli’s Lovely Pets, Inc. v. City of Sunrise*, 2015 U.S. Dist. LEXIS 98451, at \*2-\*3 (S.D.Fl. June 24, 2015). In Cook County, Illinois “a ‘pet shop operator’ may only sell animals obtained from a breeder that (among other requirements) holds a USDA class ‘A’ license and ‘owns or possesses no more than 5 female dogs, cats or rabbits capable of reproduction in any 12-month period.’” *Mo. Pet Breeders Ass’n v. Cnty of Cook*, No. 14-06930, 2015 WL 2448332, at \*1 (N.D.Ill. May 21, 2015), appeal docketed, No. 15-2895 (7th Cir. Sept. 3, 2015). In New York City, pet stores can only purchase from Class A breeders—pet stores are expressly prohibited from purchasing from Class B dealers.

To support these allegations, the NGO's: (1) raise the specter that pet stores' sources are puppy mills based only on noncompliant citations on USDA's inspection reports which they misrepresent as violations of the AWA; and (2) claim USDA fails to properly enforce the AWA as determined by USDA's Office of the Inspector General's 2010 report, "Inspections of Problematic Breeders." NGO's also mischaracterize brokers and distributors as "evil middlemen," despite the fact that federal law permits intermediaries to participate in the interstate commerce of pets, by establishing a separate classification for these market participants (Class B license). All these conclusions are based on NGO "investigations" even though no one other than USDA is authorized to inspect USDA licensees or reclassify Class B licensees or USDA exempt breeders as pet dealers who provide inhumane care.

States and local governments may create and enforce their own laws and regulations to protect animals, which may exceed the AWA standards, but they cannot adopt laws with the intent and effect to exclude legitimate, licensed or exempt pet dealers from selling healthy, domestic (not wild or inherently dangerous) pets to pet stores, as the AWA has contemplated and permitted. Laws can be adopted to prohibit the sales of all pets or particular types of pets (like ferrets) if they are considered dangerous or even too expensive for local governments to regulate, but this is not what the sourcing bans have done.

The effect of these sourcing bans since their initial adoption in 2006 has resulted in a quantitative effect on the entire pet industry, resulting in 3,488 fewer Class A licensees and 1478 fewer Class B licensees nationwide—a 75% and 85% drop respectively. Imagine the impact to biomedical research if similar ordinances were passed that banned continued research based on noncompliant items on USDA inspection reports and NGO's contention that animal use in research is inhumane? For example, New Jersey's pet sourcing bans prohibit sales to pet stores from a licensee who has been cited on a USDA inspection report for: (1) a direct violation of the AWA during the prior 2 years; (2) 3 or more indirect violations of the AWA during the prior 2 years; or (3) a no-access violation of the AWA on the 2 most recent inspection reports. Despite the fact that the licensees have not been "finally determined" to have violated the AWA, pet stores may not purchase from these licensees. If similar restrictions were applied to biomedical research facilities, most research involving animal testing would cease.

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## Who Let the Dogs Out? Subrogating Dog Bite Cases

By Gary Wickert (<https://www.claimsjournal.com/author/gwickert/>) | January 3, 2019



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One insurance company – [Slate Farm](https://www.claimsjournal.com/news/national/2018/04/09/284039.htm) (<https://www.claimsjournal.com/news/national/2018/04/09/284039.htm>) – has referred to dog bites as a “serious public health problem.” Last year alone, one carrier paid \$90 million in claims on roughly 3,500 dog bite incidents. According to the Insurance Information Institute, dog bites and other dog-related injuries accounted for an astonishing one-third (1/3) of all homeowner’s liability claim dollars paid out in 2017, costing almost \$700 million. This isn’t chump change any more, and subrogation professionals need to take a serious look at pursuing subrogation in even some of the smaller dog bite cases – although most dog bite cases aren’t all that small, as it turns out.

According to the Insurance Information Institute, the average cost per claim nationally has risen more than 90 percent from 2003 to 2017, due to increased medical costs as well as the size of settlements, judgments and jury awards given to plaintiffs. In 2015, the Centers for Disease Control and Prevention indicated approximately 4.5 million dog bites occur each year in the United States. Nearly 1 out of 5 bites becomes infected. And in virtually every case, there is subrogation potential which needs to be looked into.

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**Dog bite law** (<https://www.claimsjournal.com/news/southeast/2017/03/09/277279.htm>) is a unique combination of city and county ordinances, state statutory law, state case law, and common law. The law varies from state to state. Generally, if the dog owner knows that the dog has exhibited a tendency or intention to someday bite a person, liability can attach. This is known as "scienter" (knowledge or knowing) and is referred to as the "One Bite Rule". Most states hold a dog owner responsible for negligence that results in any injury caused by a dog. This can take the form of general negligence or negligence per se (violation of a statute). Sometimes, the liability depends on whether the dog bite occurred on the owner's premises or off premises. Some states apply the doctrine of premises liability when the victim is harmed on the dog owner's property. Premises liability is a specific area of law that governs liability involving owners of property and landlords.

Other states base liability on statutes which create liability in the absence of scienter, negligence or intentional behavior. These are referred to as "statutory strict liability states" and vary from state to state. They sometimes hold the owner liability automatically if their dog bites somebody. In "strict liability" states, the dog does not get one free bite as they do in states which adhere to the one bite rule.

Still other states complicate matters by mixing and matching their laws. Some of these complicated dog bite statutes impose strict liability under limited circumstances or for limited types of losses, while relying more heavily on the One Bite Rule. The states having statutes which incorporate the one-bite rule are referred to as "mixed dog bite law states" or simply "mixed states". For example, New York imposes strict liability only for a bite victim's medical bills. To recover other elements of damages, he has to meet one of the other burdens discussed above. States often provide certain exceptions to liability, including if the victim is a trespasser, veterinarian, was committing a felony, assumed the risk, or if the dog was provoked by physical abuse or was a police dog.

Matthiesen, Wickert & Lehrer, S.C. handles subrogation claims in all 50 states for both health insurance and workers' compensation cases – the two most likely insurance lines for dog bite subrogation. To assist our clients in understanding the law they must subrogate under, we have compiled [a chart which provides a quick overview of the dog bite in all 50 states](https://www.mwl-law.com/wp-content/uploads/2018/02/DOG-BITE-LAWS-CHART.pdf) (<https://www.mwl-law.com/wp-content/uploads/2018/02/DOG-BITE-LAWS-CHART.pdf>).

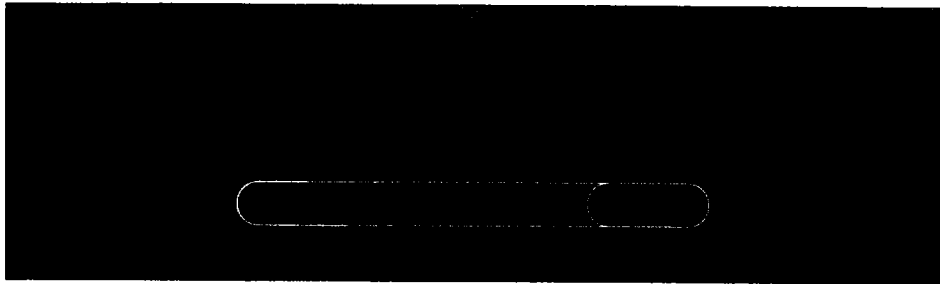


About Gary Wickert (<mailto:gwickert@mwl-law.com>)

Gary Wickert is an insurance trial lawyer and a partner with Matthiesen, Wickert & Lehrer, S.C., and is regarded as one of the world's leading experts on insurance subrogation. He is the author of several subrogation books and legal treatises and is a national and international speaker and lecturer on subrogation and motivational topics. He can be reached at [gwickert@mwl-law.com](mailto:gwickert@mwl-law.com).

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# Animal Law Update

Commentary on Animal Law and Legal Issues

## **IPet Stores Under Attack-Continued: Shelters, Rescues and Pet Stores sell the same product – dogs and cats.**

By Nancy E. Halpern, D.V.M. on September 30, 2016

Shelters, Rescues, and pet stores all provide pets for consumers. The transfer of ownership is the same, whether described as an “adoption” or “sale.” Both the federal and state governments consider the transfer of ownership from these entities to be equivalent. The transfer of money for these pets is considered remuneration, whether based on a sale, adoption fee or donation. USDA “consider[s] acts of compensation to include any remuneration for the animals, regardless of whether it is for profit or not for profit.” The critical question is whether the comparators serve the same market, not whether the articles of commerce are identical.

Pet stores, shelters and rescues are all considered “pet dealers” as defined by Congress in the AWA and USDA. A pet dealer is “any person who, in commerce for compensation or profit delivers for transportation . . . buys, sells or negotiates the purchase or sale of any dog or other animal . . . for use as a pet.”

The legislative history of the AWA makes clear that this definition was “intended to include nonprofit or charitable institutions which handles dogs and cats” and that the definition of “dealer” was “not intended to exclude from licensing or regulation those nonprofit or charitable institutions or animal shelters which supply animals in commerce to research facilities for compensation of their out-of-pocket expenses.”

Importantly, the Mayor’s Alliance for NYC’s Animals, a 501(c)(3) non-profit charity, has been functioning as an unlicensed USDA Class B dealer by transferring animals from the City’s Shelters to more than 140 partner Rescues in a program called the New Hope Transfer Program. Alliance President Hoffman said she thinks of the Transfer Program as a giant distribution network with AC&C as the ‘wholesaler’ and the partner organizations as ‘retailers’ who get the animals face-to-face with the public.”

Like pet stores, rescues and some shelters import dogs into the Northeast for sale/adoption, similar to the business model of a pet store. **The biggest difference between pet stores, rescues and shelters is that pet stores and their sources are highly regulated and shelters and rescues are not.**

The explosion of interstate and international transportation of dogs and cats through rescue channels, **largely unregulated, exposes humans and animals alike to infectious, contagious diseases and parasites.** As a result, state animal health officials adopted or amended state laws to regulate animal transfers from shelters and rescues in similar or more stringent ways than sales from pet stores. USDA and CDC have also issued alerts and amended regulations to prevent disease spread from pets imported from other countries for sale in rescue channels in the U.S.

One of the most profitable shelters/rescues in the NYC area, the North Shore Animal League (NSAL), advertises that they sell dogs and cats throughout the City, which they regularly obtain from substandard breeders throughout the country. According

to their website, they “reach across the country to rescue animals from overcrowded shelters, unwanted litters, puppy mills, natural disasters and other emergencies and find them permanent, loving homes.”

NSAL rescued at least 3,562 pets from 13 states and Puerto Rico from December, 2010 until December, 2014. This is a highly lucrative business. In Fiscal Year 2013, NSAL reported: total revenues of \$35,655,064, with \$1,524,982 for its Pet Rescue and Adoption; compensation of current officers, directors and key employees totaling \$1,611,478; and payment of other salaries and wages totaling \$10,210,036. NSAL also reports that it contracts with other rescues and shelters, obtaining and importing pets for adoption from other states to the State and City.

For example, Precious Friends, a shelter in Tennessee contracts with NSAL to “take [animals] from shelters located in Tennessee, Kentucky, Georgia, Ohio, Texas, Illinois, Louisiana, Arkansas, Alabama, and Indiana” and send them to NSAL.

More recently, NSAL has advertised to purchase puppies from any source for resale.

## Animal Law Update



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EXCLUSIVE

# Shelter lied about 'timid' pit bull before it bit my kids: dad

By Erin Calabrese and Selim Algar

May 26, 2014 | 7:27am



One-year-old Melo (pictured) bit Martin's daughter's leg and nearly tore his son's nose off just one day after the family brought him home to the Hamptons. Handout

Officials at a Queens animal-rescue organization hid a pit bull's menacing history from a New Jersey man who wanted to adopt it — and the dog ended up attacking his two young children, the distraught dad told *The Post*. One-year-old Melo suddenly locked his jaws onto Quin Martin's daughter's leg and nearly tore his son's nose off just a day after they brought him to their Hampton home, he said.

Martin said that Second Chance Rescue of Whitestone minimized Melo's aggressive traits before handing him over on May 14 — despite a report from the Brooklyn Animal Control Center that advised against placing him with kids.

"All they told me was he was timid," Martin said of Second Chance. "He wasn't timid. Not even close."

Melo suddenly became enraged and bit Jade, 9, on the leg while she sat on a swing in the family's back yard, Martin said.

Her courageous brother, Justin, 13, nearly lost his nose off after he pried Melo's jaws from her flesh.

Martin said both kids were rushed by ambulance to a hospital, where Justin needed five stitches to his face and Jade's gnawed leg was patched up.

The dog was put down.

"My son was the hero in this," Martin said.

The pit bull first landed in Brooklyn ACC custody in April after his owner was evicted and could no longer care for him. An April 22 assessment by an ACC volunteer advised against placing him in a home with kids, saying, "When approached in his kennel, Melo freezes in the back of the kennel, hard stares and lip curls, low growls, and then charges the front of the kennel while hard barking."

But a May 6 ACC report claims a remarkable turnaround from Cujo to cuddly.

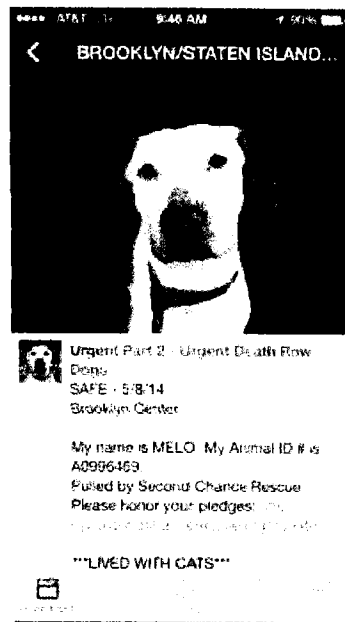
"It seemed Melo had finally acclimated and was letting his guard down — revealing the sweet, playful affectionate boy I knew was always there!" the report says.

Martin claimed that assessment was relayed to him by Second Chance Rescue officials while Melo's troubling past was omitted.

In a Facebook post, the rescue group suggests the family blew off its adoption instructions: "Many of the returns we get are because introductions were not done properly or rushed."

But Martin said, "I'm an experienced dog owner."

Second Chance did not return a call for comment.



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CRIME

# Woman sacrifices herself in dog attack to save best friend's baby

BY CRAIG SAILOR

CSAILOR@THENEWSTRIBUNE.COM

🐦 f ✉️ ↻

DECEMBER 27, 2016 03:38 PM,

UPDATED JANUARY 02, 2017 07:31 AM




In October Felicia Hambrick was baby sitting at her best friend's house when she was attacked by their dog. She was bitten dozens of times and hospitalized.  
By Peter Haley

It's the pain that Felicia Hambrick remembers the most. And the screams.

She didn't hear the dog growling as it tore her flesh. Her screaming drowned it out.

What had begun as a weekend of babysitting for her best friend became a fight for survival Oct. 29.

"This is going to be the end of me," she thought as the pit bull's jaws brought bite after bite.

Ex-Tacoma cops plead not guilty to child assault, misconduct 



suspect turns himself in 

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Hambrick is recovering, but her body will never be the same after the attack in Tacoma that inflicted over 30 bites.

The Federal Way woman stands just under 5 feet tall and weighs 115 pounds. She looks younger than her 24 years.

In late October, the recent Pacific Lutheran University graduate was preparing to start a career as a medical technician.

She's known her best friend Cassy since her sophomore year at Mount Tahoma High School.

Hambrick often babysat Cassy's three children at their South Tacoma home.

On the weekend of Oct. 28, Cassy and her husband were leaving town to celebrate their anniversary. Hambrick would spend the weekend babysitting as a favor.

Hambrick would share the house with Cassy's mother and the family dog, Roscoe.

### ROSCOE THE PIT BULL

Cassy, who does not want her last name used for this story, got the full-grown pit bull in June.

Roscoe was a gift to her husband on Father's Day.

Cassy wasn't sure about Roscoe at first, but her father talked her into it.

"Are you sure?" she recalled asking him. "I was kind of nervous. He's a big dog."

Pit bulls have been a controversial breed for decades.

Nationally, pit bulls were responsible for 64 percent of fatal dog attacks between 2005 and 2015, according to dogsbite.org, a dog bite victims' group.

A 2015 study at the University of Washington Medical Center found similar numbers for pit bulls and dog attacks.

Many U.S. cities, including a dozen in Washington, prohibit or regulate ownership of dangerous dogs, including pit bulls. Tacoma is not one of them.

In March, Olympia resident Gladys Alexander, 92, died after being mauled by a pack of mixed-breed dogs that were part pit bull.

To date in 2016, 41 percent of all fatal dog bite victims were visiting or

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Pit bull advocates say the dogs are safe if raised to be non-aggressive.

Roscoe hadn't exhibited any concerning behavior after he joined the family, Cassy said.

But on one previous visit Hambrick made to the home, Roscoe lightly bit her on the wrist.

"From that moment on, they would make sure the dog was outside," Hambrick said.

"He wasn't vicious to us in any way," Cassy said. But it soon became apparent Roscoe wasn't working out.

"My kids didn't have the time for him and didn't want to play with him," Cassy said.

When Cassy told her father she was going to give the dog away, he took responsibility for it. The dog continued to live in the home Cassy shares with her parents.

## THE ATTACK

Hambrick arrived at Cassy's home early Friday, Oct. 29.

Early Saturday, Hambrick had just finished feeding breakfast to the children. She put the two oldest kids, 6- and 3-year-old boys, in chairs to watch TV while she got the 8-month-old girl some apple juice.

At that moment, Cassy's mother stepped out of the house for a cigarette.

"The dog was in the bedroom, frantic, trying to get out," Hambrick recalled.

Without warning, Hambrick, who was holding the baby, heard the sound of the bedroom door opening.

"I heard his feet running toward the kitchen area," she said.

Suddenly the dog was in the kitchen. It lunged at Hambrick, knocking her down.

As she fell Hambrick, tried to protect the baby.

"I tried my hardest to make sure she didn't hit her head," she said.

The baby wasn't injured in the fall.

The dog began to bite Hambrick as she and the baby lay on the floor.

Hambrick maneuvered herself between baby and dog.

"I knew he didn't want her," she said. "He was coming after me."

Local display advertising by PaperG



The pain was unbearable.

“I’m done for,” is all Hambrick could think as she let out scream after scream.

Outside, Cassy’s mother heard Hambrick’s cries. She came in to the kitchen, grabbed a nearby broom and began beating the dog.

The dog relented and ran to another room, giving Cassy’s mother an opportunity to rescue her granddaughter.

But before she could help Hambrick, the dog returned.

Drawn by the commotion, the 6-year-old came into the kitchen, climbed on top of a deep freezer and began screaming, Hambrick said.

Hambrick doesn’t know how long the dog attacked. To her, it seemed like 10, maybe even 15, minutes.

“I remember it hurting so bad that I was literally screaming, ‘I just want to die. Oh God, please let me die.’”

Cassy’s mother continued to beat Roscoe. In his fury, he bit her on both arms.

“She would get him off her and he’d go back and she’d get him off and he’d go right back,” Cassy said.

Finally, the mother was able to get the dog outside.

A neighbor who heard Hambrick’s screams was on the phone with 911.

By the time firefighters came into the kitchen, Hambrick had wedged herself between two appliances.

They asked her to stand up. Her body screamed no.

“If you want me to get out of here, you’re really going to have to come pick me up,” she told them.

Medics tried to keep her conscious while they gave her aid. But on the ride to Tacoma General Hospital, she lost consciousness.

“The next thing I know, I woke up and we were at the hospital,” she said.

## RECOVERY

Doctors estimated Hambrick sustained 30 to 40 bites. Looking at her body today, it’s hard to tell where one bite ends and another begins.

Swaths of scars line her neck, legs, arms and stomach.

She also has scratches.

Doctors at Tacoma General told Hambrick she was lucky. Though the bites were deep, they didn't cut tendons or break bones.

After five days, she was sent home with 94 staples holding her wounds together.

Now dogs scare Hambrick.

"It's kind of hard to trust the bigger ones. For now," she said.

She has nightmares. In some, she relives the incident. Others are just about dogs.

"I don't want to not like them because of one bad incident," she said.

Her therapist wants to try slowly exposing her to dogs.

She bears no ill will toward Roscoe.

"In his eyes, he was trying to rid the house of what doesn't belong there," she said.

Immediately after the attack, Cassy's mother had animal control remove Roscoe.

"We wanted nothing to do with him," Cassy said. The dog has since been euthanized, she said.

Hambrick knows she will bear the scars for the rest of her life. Well-intentioned friends urged her to get plastic surgery or cover them with tattoos.

But to Hambrick, they are battle scars.

"I would never get plastic surgery to make them look less than they are," she said.

One scar on her arm is so deep it creases like the inside of an elbow.

"I'm going to learn to love them," she said.

Every day she works on stretching and bending her legs. She doesn't need to depend on people as much now.

But there is one person she turns to on a regular basis.

When she wakes from a nightmare, when the large family home in Federal Way goes quiet, she turns to grandma.

"She calls me in the middle of the night, 'Are you awake?'" said her grandmother, Yvette Young West.

Young West sleeps in short segments and is usually available to chat.

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## GUILT AND GRATITUDE

Hambrick knows Cassy, her best friend, is in pain as well.

“They’ve told me quite often how terrible they felt,” Hambrick said.  
“She felt like it was her fault. But it’s not.”

The guilt weighs heavily on Cassy.

“I try to hold it all in because I don’t want Felicia getting upset,” Cassy said.

She keeps a brave face when she’s with Hambrick.

“There’s nothing that Felicia can say or anybody can do that’s going to make me feel not guilty,” Cassy said. “If I was home, this wouldn’t have happened. She’s my best friend. Because of me, her life is forever changed.”

Mixed in with the guilt is the gratitude Cassy feels to Hambrick. She believes that Hambrick’s actions on that day saved her daughter’s life.

“I’m so thankful for her,” Cassy said. “If the dog had gotten to my baby in any way, she could have died. I’m so thankful that Felicia took that and put it on herself instead of my baby.”

Her sons, who witnessed the attack, will get therapy, Cassy said. They refuse to talk about the attack.

Hambrick will continue her career as a medical technician when she fully recovers.

She wants to return to Tacoma General soon.

This time as an employee.

*Craig Sailor: 253-597-8541, @c1rsailor*

**Felicia Hambrick’s GoFundMe page**

[gofundme.com/feliciahambrickmedical](https://www.gofundme.com/feliciahambrickmedical)

### Dog bite statistics

Approximately 4.5 million dog bites occur each year in the United States.  
Nearly one out of five bites becomes infected.

— The Centers for Disease Control and Prevention, 2015

Dog bites and other dog-related injuries accounted for more than one third of all homeowners insurance liability claims paid out in 2015 — more than \$570 million.

— Insurance Information Institute

More than 28,000 people underwent reconstructive surgery as a result of being bitten by dogs

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# Animal Law Update

Commentary on Animal Law and Legal Issues

## The Phenomenon called “Retail Rescue”

By Nancy E. Halpern, D.V.M. on May 20, 2014

Movement and sales of dogs through “rescue channels” continues to explode. While more and more cities and states are restricting sales of dogs in pet stores to those obtained from animal shelters and rescue groups, the actual source of these dogs remains obscure. Yet, there is mounting evidence that movement through “rescue channels” includes individuals or organizations involved merely for the profit, hence the name “Retail Rescue.” The dogs may be coming from the very same unscrupulous dog breeders these laws are intended to put out of business.

Not many states track the importation of dogs for adoption into their states, but those that do, shed some light on the enormity of this issue.

In 2012[1]

- 7,450 rescue dogs were imported into New Hampshire
- 15,000 dogs were imported into Connecticut through “rescue channels”
- 90,000 dogs were received in Colorado
- 130,000 dogs were received in Virginia

The numbers from New Hampshire and Connecticut represent dogs imported through rescue channels.

In Colorado, of the 90,000 dogs received, 12,600 were received from outside Colorado, representing dogs entering the state through “rescue channels.” The remainder includes 24,000 dogs returned to shelters, 8,600 transferred between shelters in Colorado, and other movement in and out of the state.

In Virginia, 16,800 of the 130,000 dogs received appear to be rescues, but movement of dogs within and out of the state are not well monitored.

Why are all these dogs moving through these rescue channels?

People continue to want to buy dogs, particularly puppies, but have been convinced that pet stores sell dogs that receive substandard care from commercial breeders collectively called “puppy mills.” Thinking they are saving these dogs, the public is increasingly backing laws banning sales of pure-bred commercially sourced dogs, and permitting only sales from animal shelters and rescue groups.

Notably, the overpopulation of dogs in many parts of the U.S., particularly the north east, has been curtailed by effective spay-neuter programs in these states. Therefore, to provide puppies and dogs to the public, seeking to purchase pets through rescue channels, these animals have to be imported from other states and countries.

Some commercial breeders deserve the name “puppy mills” and should be closed down. Others do not. Many rescue groups are trying to do the right thing. Others are only in it for the money, often buying dogs from the very same puppy mills.

Profits in “Retail Rescue,” particularly involving dogs, are likely to increase exponentially. More than 35 cities and at least 2 states, Connecticut and Illinois, have adopted or have considered banning the sale of dogs obtained through commercial breeders, and limiting sales to those sourced through rescues or shelters.

There are several animal health and consumer-related problems associated with the unregulated movement of dogs through Retail Rescue channels:

- The source of the rescue dogs may be from the same “puppy mills” owners are trying to avoid, or from other breeders providing substandard care for the dogs;
- Dog breeding through these channels will not only continue at current levels, but is likely to increase, if the market favors sales of rescue dogs;
- Federal regulations over commercial breeders may not apply to these breeders;
- “Puppy lemon laws” which many states use to protect consumers sold dogs with infectious and/or inherited diseases and disorders do not apply to rescue/shelter dogs, so consumers are without recourse when treating their newly purchased dogs, often purchased sight unseen and with no medical history;
- Dogs imported from other states and/or countries may be infected with transmissible diseases or parasites that endanger their health and the health of other animals they come in contact with;
- Punishing retail pet stores for unscrupulous dog breeders unreasonably harms these businesses, and will not eliminate the problem at its source;
- Pet owners who prefer to purchase a pure-bred dog, for their known physical and behavioural characteristics, will have increasingly limited options.

Some states, in addition to tracking the movement of dogs into, within, and out of their states for adoption, have taken action to help ensure animals are healthy and owners do not unknowingly purchase sick, infected dogs.

- Connecticut has initiated a crackdown on “adoptions” taking place at parking lots throughout the state;
- New Hampshire requires any dog, cat, or ferret entering the state for sale or adoption, to be held for at least 48 hours at a state licensed animal health facility or veterinary practice, separated from other animals before the sale, where at least some illnesses can be diagnosed and treated.

Out of increasing concern about the spread of rabies from infected dogs imported from rabies-endemic countries, the National Association of State Public Health Veterinarians (“NASPHV”) recently recommended that the CDC revise and expand its current animal importation regulations “to reduce the risk of introduction of zoonotic diseases, particularly rabies, into the U.S.”

According to NASPHV, over 287,000 dogs were imported into the US in 2006, many with falsified or inadequate animal health documentation. At least 25% of those dogs were too young to be vaccinated for rabies. To protect animal and human health NASPHV recommends, in part:

- Dogs, cats, and ferrets should be at least 6 months of age prior to importation into the U.S.;
- Proof of rabies vaccination should accompany imported dogs, cats, and ferrets;

- Permanent identification of these animals should be required and a national electronic database established to track their movement;
- The imported dogs, cats, and ferrets should be quarantined for a minimum of 30 days.

These measures would help prevent the exposure of U.S. pets and humans to rabies or other zoonotic diseases.

Some of these controls, even if modified, should be considered for dogs moving through rescue channels to help ensure their proper care, and prevent the spread of disease. A closer look at the source and movement of dogs through “rescue channels” must be part of the overall initiative to protect the health and well being of dogs sold in the U.S.

[1] Data obtained from NAIA Shelter Project

## Animal Law Update



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Untitled

Avatar

Brandia • 5 years ago

Great article but you only touched on the tip of the iceberg. We have a rescuer here in Washington state who buys from breeders & sells the dogs for up to 1400.00 & she has purchased at least 5 properties that I know of, off of those proceeds. This same person let almost all of her exotic animals starve to death in Montana. She has now resorted to getting animals from California shelters which she brings straight off of the transport van & adopts out that day & caused a horrific parvo outbreak where adult vaccinated dogs were dying. It is perceived that rescues with a 501(c)3 are "good" a lot are not. I have been trying to write some kind of legislation that gives our state Dept of Ag control over rescues but am coming up short in the legal language. WSDA & their vet are standing behind me so I will keep trying. The caveat is that ONLY the WSDA veterinarian can authorize seizure of animals & certify that they are either abused or not & he is a good old fashioned country vet who knows the difference between media ops & a truly sick or abused animal. To protect our state from the sensationalized HSUS raids because they already got us for millions of dollars with the Kennewick Eskimo raid. I am a rescuer, but I work almost entirely with shelters & breeders, NOT other rescues. Yes, I said breeders, usually if I have a dog of their breed (even a mix) they will take the dog & have them fixed because they guard good breeding lines very jealously & don't want unknowns in that breed & they usually have a waiting list of 1 to 5 years. I have known breeders my whole life & they were the original rescuers, but without the fanfare & the donation campaigns. They would be the one's to help with ideas & solutions, but because of the HSUS & ASPCA smear campaigns most have gone underground. Get good breeders to the table & let them help, they have been controlling & perfecting their pet/show/breeding populations for decades.

44

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Avatar

Songbrook • 5 years ago

The public needs to be protected from unscrupulous 'rescues' more than from already regulated breeders. People are brainwashed into thinking any dog will do in any home, as long as it's 'cuuute!', but

Page 1



#### Untitled

in reality, the most important element in keeping a dog in a home for life is comparability of temperament, grooming needs, and energy levels. A street dog from some other country isn't likely to make a good pet for a young family who is looking for their first dog. Responsible breeders make sure the family looking to buy a puppy from them is ready for a dog of their breed, or any dog at all, really.

The other thing is that many 'rescuers' present themselves as professionals. Most are just kind people who want to help, and many of them are deeply misguided by other people who are just like them. They don't understand the temperament of the breeds mingling in a mixed breed dog, and mistakenly say, for example, a sheltie/jack russell mix is a good choice for a suburban family with active children in a two-earner household. The dog will be left alone much of the day, and when attended, will be overwhelmed by the activity in its surroundings. Jacks like exercise; shelties need a structured household. This dog gets neither, and both breeds bark a LOT when their needs aren't met. Neighbors complain, and dog lands in a shelter, or returns to one, \*if\* the rescue or shelter is still around when you call, once your check clears.

Just as there are poor breeders, there are bad rescues. How can you regulate one but not the other?

31

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Avatar

Mia Songbrook • 5 years ago

No one mentioned the "guilt" the public is made to feel when buying a purebred dog from a breeder.

34

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Avatar

ronna Songbrook • 5 years ago

Excellent Point!

6

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Marcella Covault • 5 years ago

Excellent and spot on blog and comments from the trenches. Every time I read that another city has banned sales of dogs and cats unless they come from "rescues" or "shelters", I am appalled that people can be so misled. When I read of the THOUSANDS of dogs that are imported into this country by "rescues", while dog breeders are vilified and blamed for "overpopulation", I am appalled and incredulous that people actually buy into the anti-breeding propaganda.

Long-time pet breeders in particular are usually very knowledgeable, and they

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certainly have expertise that would benefit pets that need re-homing. They are shunned because of the "propaganda mill" hate-speech from the animal rights-led organizations that has deluged society for years. When I read someone saying that the "overpopulation problem" is getting worse, I am appalled and disappointed that someone can be so brainwashed that they won't even research how well we are doing in cutting down on shelter euthanasias and education of the public in responsible pet care.

Jon Katz wrote an excellent essay discussing Plato's "The Allegory of the Caves", and he called the animal rights extremists the "shadowmakers", as well as implying that there are many other areas in society that are either those who can't see (chained cave dwellers) or those who manipulate and control to suit their ends (shadowmakers). I re-read Plato's classic work after reading Jon's essay, and it's a relevant today as it was hundreds of years ago.

21

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Avatar

Joan Horrocks • 5 years ago

animals should have to be bought from a home breeder or from shelters with addresses and locations that can be traced..not parking lots...but people have to use their heads too..my son-in-law tried to rescue a shepherd mix, but when at the end the lady said you have to text my husband and tell him where you are from then meet him...he will be there about 3AM!!!! My son said I am NOT sending my family out with 500.00 to some rest stop at 3am...forget it we won't be taking the dog...scary! He is still looking... AND what happened to paying 75-100.00 for a rescue then a spay/neuter??? Now it is 400 to 700 to adopt a dog...I can buy a purebred from a breeder or breed rescue for that price..and some of these dogs have only been there for days...not like your paying for up keep..should never go over 200.00 with spay/neuter and chip. They go on about how these dogs need homes but then the price is so high you can't afford it. I remember when you got a dog at the pound or SPCA for the cost of a spay/neuter. Now you have to SAVE up for a dog at a "non-profit rescue...OKAYYYYY something is definately wrong here...

13

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Avatar

doozledorf Joan Horrocks • 4 years ago

N.J. ASPCA sells mixed breed pups that have been brought from the south or other countries for \$400—\$500..i have a friend who works there and she fell in love with a pit bull and it got sick and they just let it die instead of spending money on it...she said

Untitled

they are now all about the money!

7

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Avatar

Tal Al Arz • 4 years ago

Kudos to Brandia & Songbrook!

We clearly NEED regulations aimed at "Rescues" & "Shelters" as opposed to exempting them from regulations. Further a strong educational initiative to counter the divergent and mis-leading AR propaganda.

1) absolutely STOP importations from "off-shore" This is profit motivated &/or a tool to falsely publicize "overpopulation" in an effort to pass anti-breeding legislation  
2) Following NAIA lead, mandate tracking of interstate transport of rescues and eliminate the double and triple listing of "rescues" used so effectively by the animal rights proponents to promote anti-breeding legislation.

3) Regulate and set guidelines for minimal qualifications of any and all "Rescue & Shelter" personnel to ELIMINATE making invalid, erroneous, and ignorant evaluations of "Breed" temperament, and suitability of rescues for a potential adopter!

4) Mandate effective quarantines for any animal transported across state lines for "resale" by ANY & ALL Rescues & shelters.

5) a massive educational initiative aimed at the general population but even more importantly our legislators on the realities of pet ownership and sale practices, & the critical issues created by the willful abuse of the rescue ideology by HSUS and animal rights extremists. It is appalling that basically intelligent individuals are led like blind mice, by the AR zealots, into glorification of the rescue INDUSTRY, yes it is a profit making machine which feels a need to vilify purebred breeding to promote their own existence .

I Have done purebred rescue and am appalled at the overwhelming mis-identification of breed of "rescues" by both legitimate shelters & for profit groups. I wonder if this is ignorance & lack of knowledge or simply an attempt to get Pure Bred Rescues to take dogs the for profit shelter/rescue industry do not want or perceive as \$saleable\$? Then there are other shelters who refuse to release a dog to it's breeder or pure-bred rescue??? To what end? Certainly not a positive end! I am also very concerned at the totally misguided and adamant pro mix-breed (read also DESIGNER, the newest puppy mill development!!) & rescue/ anti purebred mentality of otherwise intelligent individuals encountered at off lead dog parks. A window, I fear, into the ignorant and naïve opinions embraced by John Q Public.

Education of the general UN-ENGAGED public and Legislators is absolutely

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necessary but the question is how to engage the intended audience. AKC has an audience limited to the already aware. I think we need to form a coalition of concerned groups to spearhead a massive educational initiative using any and all approaches, media and otherwise.

see more

8

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Avatar

etbmfa • 4 years ago

Mostly agree with this article but strongly disagree with the "source" for the rescues. Young puppies are being imported/smuggled in from Mexico and other foreign sources - over 300,000 in 2013 according to the USDA and that is just the ones imported legally. Shelters in the south are encouraging people to bring them puppies from "opps" litters which then encourages "accidental" breedings since they are paying for the pups. It is also highly suspected that many shelters are doing their own breedings with dogs confiscated or brought in and then placed in foster homes when they are discovered that they are accidentally pregnant. If a shelter worker doesn't know what is causing those accidents then they are not qualified to work at a shelter. This is a MUCH bigger problem than anyone seems to realize.

10

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Avatar

Guest • 4 years ago

Many 'rescues' are using lax state laws to transport vicious dogs to other areas where their attack history is effectively erased. This pit bull that killed another dog was shuttled through Colorado:  
[http://koin.com/2014/10/21/...](http://koin.com/2014/10/21/)

1

•Reply•Share ›

Avatar

Maribeth Magby • 3 years ago

In Arkansas, i have been fostering for a group that's hard to pinpoint... no working website.. they only post pics in the northern states petfinder sites as northerners pay more and return them less.. also, this one only does puppies and nursing mom's niw, as they can get 500.00 for a puppy. It's called last chance arkansas. Check it out

•Reply•Share ›

Avatar

Maygrelle • 3 years ago

It's not only New Hampshire that has a 48-hour hold. Massachusetts and Rhode Island also have the same. Unfortunately, that boosts the adoption fees in those states. And there are ways to circumvent the law, i.e. picking up in a different state

Untitled

and then transporting an owned animal. I  
applaud the efforts to crack down, but I  
don't know that it will work...

•Reply•Share ›

Avatar

Dorothy • 2 years ago

Also an issue in horse world where  
anonymous complaint gets animals  
seized, held for zero to 14 days and sold  
with owner not even being charged until  
after animals are gone.

•Reply•Share ›



## The truth about puppy mills

---



**10,000**

**PUPPY MILLS**

Are estimated to be currently active in the United States.



**194,000+**

**DOGS**

Are kept solely for breeding in USDA-licensed facilities. Sadly, a license is not a guarantee of a breeder's quality.



**2 MILLION**

**PUPPIES**

Are sold each year after originating from a puppy mill.



# 11 FACTS ABOUT PUPPY MILLS

After you learn something, Do Something





## FACT NUMBER 1

A puppy mill is a commercial dog-breeding facility that focuses on increasing profit with little overhead cost. The health and welfare of the animals is not a priority

The Humane Society of the United States. "Puppy Mills Research." 2015. Web Accessed April 4, 2015.



**AWA** (Animal Welfare Act)

**USDA** (United States Department of  
Agriculture)

**APHIS** (Animal and Plant Health  
Inspection Service)

**OIG** (Office of the Inspector General)



## FACT NUMBER 2

Female dogs are bred at every opportunity with little to no recovery time between litters. When, after a few years, they are physically depleted to the point that they no longer can reproduce, breeding females are often killed.

American Society for the Prevention of Cruelty to Animals (ASPCA). "Puppy Mill FAQ."  
Web Accessed April 4, 2015.

## FACT NUMBER 3

Every year in America, it's estimated that 2.11 million puppies are sold that originated from puppy mills, while 3 million are killed in shelters because they are too full and there aren't enough adoptive homes. Adopt, don't shop!

American Society for the Prevention of Cruelty to Animals. "Puppy Mill FAQ." Web Accessed April 4, 2015.

## FACT NUMBER 4

In puppy mills, dogs can spend most of their lives in cramped cages, with no room to play or exercise.

American Society for the Prevention of Cruelty to Animals. "Puppy Mill FAQ." Web Accessed April 4, 2015. .

## FACT NUMBER 5

Often times, the water and food provided for the puppies is contaminated, crawling with bugs. Puppies can even be malnourished

Progressive Animal Welfare Society. "Buyer Beware: The Problem with Puppy Mills and Backyard Breeders." Web Accessed April 4, 2015.

## FACT NUMBER 6

Puppies in mills are found with bleeding or swollen paws, feet falling through the wire cages, severe tooth decay, ear infections, dehydration, and lesions on their eyes, which often lead to blindness.

American Society for the Prevention of Cruelty to Animals. "Puppy Mill FAQ." Web Accessed April 4, 2015.

## FACT NUMBER 7

In most states, puppy mills are legal. It is important that future pet owners seek rescue dogs from their local shelter or buy pets from a trusted breeder in order to put mills out of business

The Humane Society of the United States. "Puppy Mills." Web Accessed April 4, KK2015.



## FACT NUMBER 8

It is estimated that there are at least 10,000 puppy mills in the U.S. Fewer than 3,000 of these are regulated by the U.S. Department of Agriculture

The Humane Society of the United States. "Puppy Mills Research." 2015. Web Accessed April 4, 2015.

## FACT NUMBER 9

Most puppy mills have no veterinary care, climate control, or protection for the animals from weather (hot, cold, rain, or snow).

People for the Ethical Treatment of Animals. "Puppy Mill Prison." Web Accessed April 4, 2015

## FACT NUMBER 10

With limited or no regulations or enforcement, puppy mills have no cleanup control. This means that dogs can be living in urine and feces for indefinite periods of time

Animal Rescue Corps. "Puppy Mills." Web Accessed April 4, 2015.

## FACT NUMBER 11

It's common to find dogs in puppy mills with collars that have been fastened so tightly that they have become embedded in a dog's neck and must be carefully cut out.

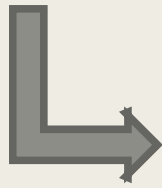
Animal Rescue Corps. "Puppy Mills." Web Accessed April 4, 2015.

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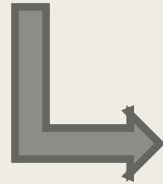
# LAWS AND REGULATION AT THE FEDERAL LEVEL

After you learn something, Do Something

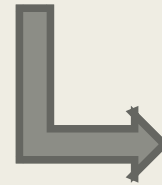
**AWA**



**USDA**



**APHIS**



**AC**

## AWA (Animal Welfare Act)

The Animal Welfare Act is the chief federal law concerning companion animals. Signed into law in 1966, the Animal Welfare Act (AWA) is the primary federal animal protection law. The AWA mainly involves animals kept at zoos and used in laboratories, but includes animals who are commercially bred and sold like those in puppy mills.

This law sets minimum standards and is not considered humane by animal welfare groups even when complied with.

# AWA (Animal Welfare Act)

## What it excludes

1. Coldblooded species (amphibians and reptiles)
2. Birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research
3. Horses not used for research purposes
4. Farm animals, including livestock and poultry, used or intended for use as food or fiber or in agricultural research
5. Fish; and Invertebrates (crustaceans, insects)





**USDA further loosens oversight of puppy mills and is bringing facilities into compliance by ignoring violations**

Kitty Block's Blog, Humane Society<sup>81</sup> of the United States (Feb 28, 2019)

OIG ( Office of the Inspector General  
OIG Report May 2010  
Failure of USDA to Comply with OIG Report

- Scathing 69 page report criticizing the USDA breeder inspection program 2010
- USDA has failed to comply with recommendations
- USDA has become more pro-industry
- Continued veterinary care AWA violations
- USDA decided in 2015 to decrease enforcement of AWA
- Online inspection data base removed in February 2017
- Failure to comply with the FOIA

# Other Federal Legislation

- The Pets Act
- The Prepared Act
- The Woof Act
- The PACT Act
- The Farm Bill and the King Amendment

# The PETS ACT

H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2006

- Enacted in 2006 after 600,000 animals abandoned during Katrina
- Authorizes FEMA to provide rescue, care, shelter, and essential needs for individuals with household pets and service animals, and to the household pets and animals themselves following a major disaster or emergency.
- When a local government's resources are overwhelmed, the State helps to mitigate the disaster. However, in large emergency situations, sometimes states' resources are overwhelmed, and a request will be made to the President that the emergency needs a federal response.



# The PREPARED ACT

## H.R.1042 – 116th Congress (2019-2020)

### The Provide Emergency Plans for Animals at Risk of Emerging Disasters ACT

- Require entities regulated under the Animal Welfare Act to have contingency plans in place to safely evacuate and care for animals in an emergency or disaster situation.
- Includes American businesses, institutions and enterprises, specifically those in puppy mills, research facilities, zoos, circuses and aquariums regulated under the AWA.
- Rep Jayapal, Rep Kilmer and Rep Adam Smith are co-sponsors. They are not on the Agricultural Committee so probably don't have much influence. Kim Schrier 8<sup>th</sup> District is on the Agricultural Committee but not on the Subcommittee Livestock and Foreign Agriculture where this Bill resides.

# The WOOF! ACT

## H.R.1002 – 116th Congress (2019-2020)

### The Welfare of Our Friends Act

- Closes loopholes in the AWA
- Prevents problem breeders with severe and multiple AWA violations to continue doing business as usual.
- Currently, the USDA routinely relicense puppy breeders with dozens of severe violations on their records.
- Prevents these problem breeders from obtaining a new license under the name of a family member
- Rep Kilmer are co-sponsors. He is not on the Agricultural Committee so probably don't have much influence.

# The PACT ACT

## H.R.724 – 116th Congress (2019-2020)

### Preventing Animal Cruelty and Torture Act

- Would make some of the most egregious forms of animal cruelty in or affecting interstate commerce or within the territorial jurisdiction of the United States a federal crime.
- Although acts of animal cruelty are often illegal under federal law, the vast majority of animal cruelty laws are at the state level. The PACT Act creates a corresponding federal animal cruelty statute and closes a loophole in the current Federal law.
- Rep Kilmer and 5 other Reps have signed on as co-sponsor including Pramila Jayapal
- The Bill is in the Judiciary Committee that Rep Jayapal sits on but she is not on the subcommittee where this Bill resides.



# The Farm Bill and the King Amendment

Protect Interstate Commerce Act H.R. 4879

- The King amendment, would have drastically broaden the scope of federal preemption of state and local agricultural laws.
- U.S. Rep. Steve King's (R-Iowa) district includes the most egg-laying hens in the country.
- The Amendment would prohibit any state from imposing a condition on the production or manufacture of an agricultural product sold in interstate commerce if the regulation is more stringent than federal law or standards set by other states.



# WASHINGTON STATE LAWS

After you learn something, Do Something



# Chapter 16.52 RCW

## Prevention of Cruelty to Animals

- Breeding facilities limited 50 sexually intact dogs 6 months old or older
- More stringent than AWA
- Does not apply to retail pet stores
- Punishable as a gross misdemeanor punishable according to chapter 9A.20 RCW
- A mandatory fine of not less than five hundred dollars per pet animal shall be imposed
- Inspection requirements not adequate. **Animals do not need to be licensed.**

# HB 1640 - 2019-20

Concerning retail pet stores.

Sponsors: [Appleton](#), [Stanford](#)

Companion Bill: [SB 5209](#)

This Bill did not pass but we will try again next year, the second year of the biennium legislature.

Would you like to volunteer to help?

## Bill Status-at-a-Glance

See [Bill History](#) for complete details on the bill

As of Sunday, March 3, 2019 11:30 PM

Current Version:

**HB 1640**

Current Status:

**HConsPro&Bus**

### Where is it in the process?



# HB 1476 - 2019-20

Concerning contracts for dogs and cats.

Sponsors: [Stanford](#), [Appleton](#), [Fitzgibbon](#)

## Bill Status-at-a-Glance

See [Bill History](#) for complete details on the bill

As of Sunday, April 7, 2019 10:27 AM

Current Version:

**Substitute - SHB 1476**

Current Status:

**SRules 2**

Where is it in the process?





# LOCAL LAWS AND ORDINANCES

After you learn something, Do Something





# MYTHS

After you learn something, Do Something



## Myth One

The Animal Welfare Act (AWA) protects and prevents cruelty to animals in puppy mills and kitty factory farms



Myth Two  
USDA protects dogs and  
cats by policing factory  
farms and penalizing  
breeders who violate laws

Myth Three  
APHIS inspectors' highest  
priorities is making sure  
that breeding facilities are  
safe and healthy facilities

Myth FIVE  
AKC Protects dogs from  
Abuse and opposes  
factory farming of dogs,  
cats and rabbits.

## Myth SIX

Health Certificates insure that puppies imported from out of state are healthy and well socialized.

Myth SEVEN  
Pet stores have healthier  
puppies and kittens  
because they are purpose  
bred.

## Myth EIGHT

The AVMA, WSVMA, and PVMA support legislation to prevent sales of factory farmed dogs and cats

- Many veterinary associations have opposed efforts to prohibit retail sales of puppies, kittens and rabbits
- AVMA supports the AWA and is silent about how the USDA enforces, probably since many vets work for the USDA
- WSVMA is neutral on sales in pet stores of factory farmed dogs and cats
- PVMA follows the guidelines of the WSVMA and does not have a provision for legislative activity in their bylaws.

## Myth NINE

Puppies in pet stores are healthy because they need a health certificate or Certificate of Inspection (CVI) to enter WA from breeders in other states

CVI has very minimal standards and does not insure a healthy or well adjusted puppy or kitten

- Each animal must be individually identified
- Certificate of Rabies vaccination is over 3 months old
- A negative Heartworm test if over 6 months old
- There are exemptions for family pets traveling with their owner.

# end the cruel treatment of dogs in mass breeding operations.

---

Internet sales, flea markets, face-to-face sales and the majority of pet stores that sell puppies are getting those dogs from puppy mills. A puppy mill is an inhumane high-volume dog breeding facility that churns out puppies for profit, ignoring the needs of the pups and their mothers. Dogs from puppy mills are often sick and unsocialized.

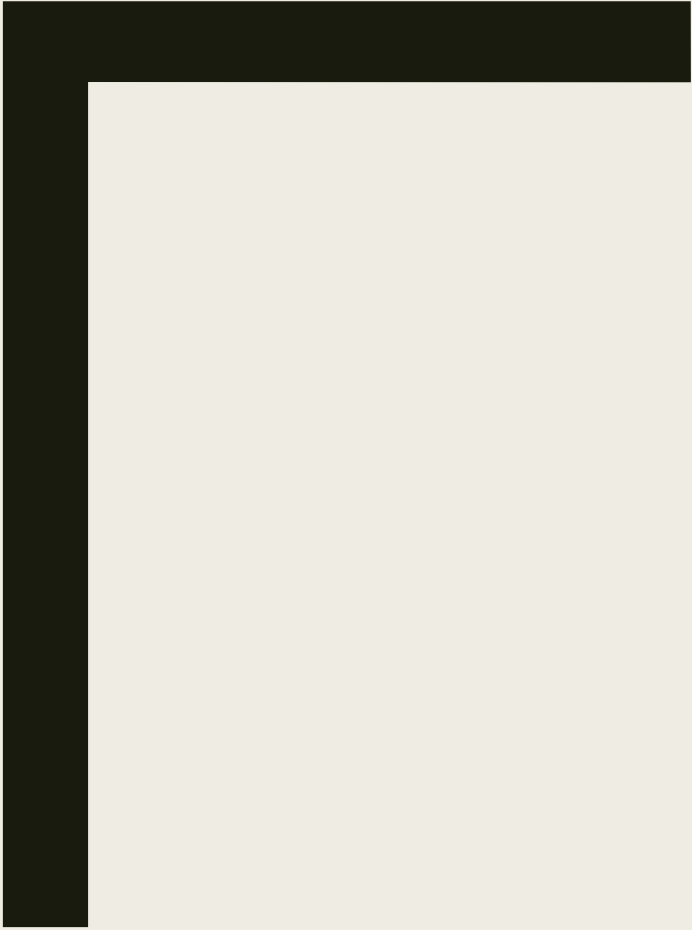




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# OPPORTUNITIES TO FIGHT PUPPY MILLS

After you learn something, Do Something



**7.04.020 Definitions.** *This expands the definition so that more organizations can participate in showcasing animals for adoption at pet stores. RCW 82.04.040 was prepared by our organization and the Washington Federation of Animal Care & Control Agencies in consultation with the Washington Department of Revenue.*

(7) "Animal welfare organization" means an animal care and control agency defined in RCW 16.52.011 or an animal rescue group defined in RCW 82.04.040. ~~any public or private organization registered with the Washington Secretary of State's Office as a not-for-profit organization, whose primary mission involves ensuring the welfare, protection, and humane treatment of animals~~

**Option 1:** *This option prohibits sales of dogs and cats at pet stores and clarifies the source of dogs and cats that can be sold by hobbyists.*

**7.09.010 – Limitations on the sale of dogs and cats**

(a) No commercial pet facility ~~or hobbyist~~ shall sell or offer to sell any dog or cat, ~~unless that dog or cat was:~~

(b) No hobbyist shall sell or offer to sell any dog or cat, unless that dog or cat was bred on the hobbyist facility's premises.

~~(1) Bred on the hobbyist facility's premises; or~~

~~(2) Obtained from an animal welfare organization.~~

~~(b)~~ No commercial pet facility, hobbyist, or animal welfare organization shall sell, offer to sell, or offer for adoption, any dog or cat that is fewer than eight weeks old.

~~(e)~~ Nothing in this section shall prohibit a commercial pet facility from displaying a dog or cat that is more than eight weeks old on its premises, in order to facilitate that animal's adoption from an animal welfare organization.

**Option 2:** *This option allows the sale of dogs and cats at pet stores sourced only from animal care and control agencies, and clarifies the sources of dogs and cats that can be sold by hobbyists.*

**7.09.010 – Limitations on the sale of dogs and cats**

(a) No commercial pet facility ~~or hobbyist~~ shall sell or offer to sell any dog or cat, unless that dog or cat was obtained from an animal care and control agency defined in RCW 16.52.011.

(b) No hobbyist shall sell or offer to sell any dog or cat, unless that dog or cat was bred on the hobbyist facility's premises.

~~(1) Bred on the hobbyist facility's premises; or~~

~~(2) Obtained from an animal welfare organization.~~

~~(b)~~ No commercial pet facility, hobbyist, or animal welfare organization shall sell, offer to sell, or offer for adoption, any dog or cat that is fewer than eight weeks old.

~~(e)~~ Nothing in this section shall prohibit a commercial pet facility from displaying a dog or cat that is more than eight weeks old on its premises, in order to facilitate that animal's adoption from an animal welfare organization.

## Meeting With Commissioner

Thank you for meeting with us.

- Our business is our life's blood and has been for 42 years
- Our business is legal in every respect and abides by every county ordinance
- Farmland Pets just passed the yearly Animal Control inspection and our license is current
- Farmlands puppy sales result in 400 happy families per year. How can you call that wrong?
- We only buy puppies from one kennel and it is inspected and legally licensed by the state of Kansas and the USDA. I have supplied documents penned by the owner and myself regarding this kennel. PLEASE do me the honor of reading and assimilating them.
- Loosing puppy sales would end a revenue stream that produces an annual \$50,000 in state dollars
- Loosing our puppy sales would relegate our customers to purchasing from the unsafe and non taxed black market.

We in Washington have legalized the sale of Marijuana because all of the previous sales were made on the unsafe and non taxed black market. We now are spending the tax dollars garnered from selling legally. You would exactly reverse this in the case of puppies.

- The county exists to provide services to the community. That involves an extensive list. In this case you are challenged with balancing the will of a special interest organization and their animal rights agenda while recognizing your continuants desire to have a free choice on puppy purchases.
- Are you aware that the state legislature had similar bills that did not pass either the house or the senate this year?
- Would you please enumerate to me why you feel this puppy and kitten sale ban is needed in Kitsap County when it failed at the state level?

## Kitsap County Commissioners

I have owned Farmland Pets and Feed for 42 years. We have been selling puppies for all of those years. In those 42 years we have made and corrected every mistake to improve our success in selling the perfect pup. I respectfully submit to you the reasons why we should continue to sell our customers regulated production pups. They deserve to choose.

- + We are a team of professionals with 100 combined years of experience in animal care.
- + We are 10 people drawing and spending paychecks and paying all applicable taxes
- +Farmland pays thousands of \$ in revenue taxes
- +The property that Farmland operates from pays thousands of \$ in prop taxes
- +Farmland pays hundreds of \$ in use taxes and personal property taxes
- + None of our puppies are sourced from non professionals
- + Our puppies come from a USDA inspected and approved facility
- + Our puppies come from a Kansas State inspected facility
- + Our puppies are at least 8 weeks old when they are shipped
- + Our puppies have been veterinarian examined & approved
- + Our puppies come with a 1 year congenital defect guarantee
- + Our puppies have had every applicable age appropriate vaccination
- + Our puppies have been deloused inside and out
- + Our puppies come with an exact birth date and a 5 generation pedigree
- + Our puppies' sires are DNA proved to be purebred for their breed, & chip ID'd
- + Our puppies have an ID number chip implanted under their skin for permanent ID
- + Our puppies leave with a free local vet check-up at 1 of 2 Clinics
- + Our customers return to purchase 2<sup>nd</sup> generation family pets from us time and again
- + We purposely do not sell known aggressive breeds

What you would have us do if these regulations pass as written

- Oversight of the animals we receive would be mainly by volunteers, some with no expertise or training other than on the job
- These volunteers do not receive pay checks, do not pay L&I, nor UCI or social security
- These animals come from a tax free property so there is no tax revenue
- dogs they want us to sell can come from anywhere, foreign or domestic, not regulated
- the majority of these dogs are adults, many rejected because of aggressive personalities
- there are numerous cases of adoptions gone horribly wrong – bites and mauling
- 5% of their rescue dogs are “Gramma types.” The rest are cast offs and foreign acquired
- all of their animals come from unregulated facilities
- These dogs come with no vaccination history and harbor untold diseases
- These dogs come with no lineage traceability, no real idea of the breed of origin
- These animals are not young, not your child's first puppy
- every dog or cat is spayed or neutered without your choice
- The staff of volunteers inspects the animal, not your veterinarian

To each of you who are making this decision, would you come to my pet store and pay \$ to take one of these animals home to your child? Rescues definitely have their place and they definitely benefit lost dogs but **this should not be the only way to acquire a pet.**

Submitted by Jack Munro, owner of Farmland Pets and Feed, LLC

## KITSAP COUNTY COMMISSIONERS

Throughout the course of history man has again and again committed atrocious acts toward his fellow man and the animals he oversees. In particular we are concerned with this behavior in regards to keeping and breeding dogs.

There are kennels in America acting reprehensively toward the animals in their care. There are kennels that see only the dollar value of a puppy and give little concern to the well being of the dogs they are over-seeing. SHARRON MUNK at BJ and GUYS KENNEL is NOT one of these abusers. Farmland Pets and Feed receives puppies for sale exclusively from her facility.

Perhaps you know someone in your life that is beyond fastidious. Someone who has their crock-pot labeled "crock-pot" and its place on the shelf labeled "crock-pot." That person is Sharon Munk. She dots every i , crosses every T and wants nothing out of place. While visiting the kennel I noted numerous 4 high file cabinets and was informed that every dog and litter's paperwork for the last 10 years is in there and documented.

Sharon started her enterprise in 1978 and she has been honing her skills ever since. At the behest of the Kansas Governor and a State Ag. Man, Mike Beam, she and Jo Ann Keefer developed the language penned into law which formed a comprehensive breeder inspection program implemented in Kansas in 1991. The program is called the Kansas Animal Facilities Inspection Program. It allows for STATE inspectors to look at the operation of ANY dog commercial business, breeder, shelter, pet store, groomer or boarding kennel. These inspectors are governed by an

oversight committee comprised of one individual from each affected entity plus a vet and a member of the general public. Sharon has been invited to be on this oversight committee by every governor in Kansas since 1991. She now sits as the chairperson and has since 2012. Kansas State was the first to pass these laws which implemented State Inspections and included the ability to confiscate animals.

Every dog in her kennel has a name and none of her breeders are ever sold. Each dog has their own kennel home which they are only forced to stay in at clean-up time. Each section of the kennel has an overseer to handle the dogs one on one. The kennel employs 6 related families.

In her kennel every female is checked weekly to ascertain condition and heat (breeding) cycles. Any nuance or anomaly is recorded. Copious records are kept on each female along with current photos. If a female is found to be in heat she is moved to a separate breeding area which holds down the hormone disputes. A suitable mate according to a wide range of attributes has been pre-chosen for each female. Breeding takes place in a quiet facility and the entire process is overseen and controlled.

Every male in the kennel has been DNA proven to be specific to their breed pedigree. Sharon was one of the first proponents of DNA listing which has now become the norm for American Kennel Club dogs. Sharon was also one of the first to propose OFA hip certification for her males. Because of this Orthopedic Foundation for Animals registry we have very few incidences of hip dysplasia found in the puppies we sell.

Every bred female is examined on a daily basis by their overseer. The last Five days of their pregnancy they are moved into a maternity ward which rivals a human clinic in comforts and cleanliness. As in a hospital, the people managing this process are professionals who have participated hundreds of times. It should be noted that most of the time the mother will not need much help. Birth weights are noted and any anomalies are noted.

Mother and pups are kept in the maternity ward until it is appropriate according to size to move mom and litter to the nursery building. At this time the puppies are bonding with their mom and the overseers in a controlled environment. Every puppy in the maternity section is picked up and handled every day. All puppies are deloused inside and out according to a schedule and all is recorded.

Puppies are usually weaned in the 6<sup>th</sup> week but this varies according to size. Weaned puppies are moved to an adolescent nursery. Here they continue to grow and bond with their keepers and again are handled every day. During this time each puppy is thoroughly examined. A permanent ID chip is implanted under their skin and anomalies such as umbilical hernias or inguinal hernias are noted and sent to be repaired at the vet. In the case of a cryptorchid, male he will be neutered. A female with an inguinal hernia will be spayed.

No puppy is shipped until it is 8 weeks of age or in the case of toy breeds, both 8 weeks and weighing 1.5 pounds. When a puppy is shipped it will have been deloused inside and out, it will have every appropriate vaccination, any noted anomaly will be repaired. Every puppy is treated for coccidiosis and giardia.



Before the puppies are transported each one is examined by a veterinarian. For transport they are placed in a certified flight kennel with one other puppy for companionship and warmth. Each kennel is fitted with a food and water container. They are transported to the airport in a heated, cooled, ventilated, and air filtered van. They fly out to commercial locations across the country. No flight is longer than 3 hours. No puppies are sold to private individuals. Every puppy is shipped with a 5 generation pedigree, a comprehensive log of treatments and vet reports with pictures of the parents. Included in the paperwork is a postcard addressed to the kennel asking the new owner to comment on the new family member? Any and all commentary is welcomed and assimilated. You thought that EBay invented feedback.

Sharon's kennel is inspected by the USDA on a yearly and a random basis and it is inspected by the Kansas inspectors on a yearly and a random basis. They are also inspected by the prestigious American Kennel Club. These inspections are very comprehensive and can take 5 hours or more. Inspections include criteria for size of containment as well as limits on temperature and humidity. Any noted discrepancies are corrected as the inspector observes.

Because the state of Kansas has a very comprehensive non biased licensing inspection which compliments the non biased USDA licensing inspection plan this kennel is not required to be visited by special interest groups like the Humane Society of America. It is beyond my comprehension how anyone could label this kennel as abusive or neglectful. By Jack Munro

From the desk of SHARON MUNK owner

*BJ'S & GUYS L.L.C.*

*HC 1, Box 38*

*Menlo, Kansas 67753*

Jack,

I could talk for hours about the education process that has taught me to be the best at this job but I will try to dial it down a little.

First I must say that American consumers are awarded the right to choose by our Constitution and the Bill of Rights. No level of government should be taking this away from the citizens.

My job is managing 6 families of humans who make up our staff on this 60 acre kennel and managing all the puppies. I also groom every adult dog weighing less than 20 lbs. The larger dogs are groomed by younger folk. Once a week each female in the kennel is checked physically and for signs of heat.

Paul and Jeff care for the newborn pups up to about 3 weeks. From then till 8 weeks they are mine. Each puppy here is handled every day. When you have been doing this as long as we have, just picking them up gives you insight to weight and condition. You have to monitor for new born E. coli scours (diarrhea), look for umbilical or inguinal hernias and any abnormality.

Raising puppies is an art and I have 40 years of love for it. My first teacher was Doctor Jacob Moisor. He was so well known and respected that there are buildings at K-State-U named for him. He was our first vet and my mentor.

It is my continuing life long education that makes me a professional in my field. The back yard breeder raising pups for a hobby and additional income doesn't study dog breeding. They just let it happen.

I know that attention to lineage as noted in pedigrees and knowing your dog's propensity to produce certain good or bad

traits is crucial. You must be able to match a female with an appropriate male to make lineage improvements. The back yard breeder hasn't learned this nor do they care. They have one male and one female and what will be will be. It's doubtful that they lend any consideration to their dog's pedigree or inherent characteristics.

We can tell you about temperament, size conformity to standards, longevity averages and we are now combining two breeds to produce more hypo allergenic puppies. We are capable of and do break the cycle of worms so that we can raise pups without. We know what breeds have propensities to what congenital defects and according to their pedigree and certifications such as OFA (hip dysphasia) breed away from those problems. There are zoonotic (shared with humans) diseases and maladies you must recognize and avoid.

If your commissioners ban pet store puppy sales they will not stop their continuants from buying puppies. They will be forcing them to the aforementioned back yard breeder and the parking lot of Wal-Mart.

Shelters must answer to the county commissioners and operate on a least cost basis. They are staffed by mainly unpaid volunteers who mean well but where is their 40 years of training? Shelters live by donations but have learned that giving away dogs is not profitable. They point at your store and my kennel and holler how bad we are while giving no regard to the truth. Their aim is to eliminate their competition.

Shelters have done well to become no-kill and have created a demand through propaganda and a lot of heart rending advertising. They are finding homes for dogs and cats in record numbers. The new problem is they do not have the animals to meet the demand so they are importing dogs from around the globe. They are going to import a new disease that will hurt us all. This comes up at every Kansas State Pet Advisory Board meeting that I chair. The clock is ticking.

Some time ago I invited an HSUS individual to tour my kennel. Luckily she had some common sense and vouched for me and my kennel. Thusly I was invited to some of the Animal Control meetings and seminars. In this way I have been educated to their agenda. Shelters discredit the animal care provided by anyone and everyone but themselves. They spay and neuter every dog they confine with no regard to attributes. They promote donations through false bravado and innuendo. In the end it's all about the money. Don't worry about quarantine laws, make your own.

As chairperson of the Kansas State Pet Advisory Board I know we have a problem with our Kansas HSUS Shelters stemming from a lack of education and experience. A large number of "rescues" are run by well meaning individuals who want to be "needed." Their hearts are in the right place but they know little about animal husbandry. We've been advocating since 2012 for the state to step up and start an education program. We have pushed for free education available to anyone licensed under the Kansas Animal Facility Inspection Plan. The State held the first program in 2017 and at this point we are on an every other year schedule. The next program is June 7-8 this year. The Kansas professional breeders donated \$2500 toward the cost of the event. I have included a brochure for you in this stack of paperwork.

Jeff Jones is the program director and he has been in my kennel. The last Kansas Animal Health Commissioner, Dr, Bill Brown, was in my kennel. He stopped by unannounced and took the tour. The current Commissioner has not visited as we converse on a regular basis at meetings in Topeka. The current Secretary of Agriculture, Mike Beam, has not been in my kennel but he knows me well and has heard my testimony in front of senate committees on numerous occasions as I was instrumental in starting the Kansas Animal Inspection Program.

I found in 1990 as I toured the state that we did not have a professional breeder's problem. Professional breeders were held to USDA standards and inspected and licensed and in compliance.

We had a back yard, hobby breeder problem. So began the Animal Breeder Inspection Program and licensing.

In Kansas all breeders must comply with the same standards. Our state has been held as a model for many others to follow. The Kansas program includes the USDA breeder, distributors, pet stores, hobbyists, shelters and rescues and even boarding and training facilities. Pet foster homes are under the shelters. We do not have humane shelters inspecting themselves or others. Why would you have the fox overseeing the sheep?

Each one of the above mentioned groups have a position and a representative on the Kansas Pet Advisory Board. The board also includes a veterinarian and one member of the general public. The board meets on a quarterly basis, more if needed, and a chairperson is elected each year. I have been honored to be the chair of this board since 2012. Through the years I have been appointed to this board by five different State Governors.

Your state senators and your local officials should look at our Senate Bill 224. This will insure that a pet store is receiving stock from a reputable source. In all cases there is a difference between animal health and husbandry and animal rights. I am all for animal health and welfare. The HSUS animal rights activists who insist that animals are equal to humans are welcome to their opinion. They can't make it my opinion. The HSUS bosses with their 6 figure plus salaries all on the back of abused animals as they pictorially lead the public on a path for "only \$19.00 a month" to be auto withdrawn from their bank account. In this country of 325 million people the stakes are pretty high to be the only game in town.

Kansas has another program aimed at animal husbandry. Called Kansas Excellence through Education Program, or K.E.E.P. The AG Department does webinars to educate animal breeders. The greater the number you attend the higher your star level for knowledge is recorded in the K.E.E.P program. I sent a copy of my certificate for 2018. You don't need the notebook full of other years certificates. All are at the highest level.

As an aside, I am sending you an article about my vet and his clinic. His name is Dr. Mark Olson. He is well known in the veterinary world. When my old vet retired he brought Doc. Olson in to visit my kennel and his first statement to me was "I will be honored to work with you and your family, your reputation for excellence is well known."

Please advise your commissioners that I have spoken with Jeff Jones who as I stated is the State Director for Kansas Pet Professionals Program. He has been in my kennel and he would be happy to speak with them. His number is 785-564-6607. Also, his boss is the Kansas Animal Health Commissioner, Justin Smith and his number is 785-564-6613. Next is the Kansas Secretary of Agriculture, Mike Beam. He has been around since my 1990 days when I was cutting my teeth on political agendas and we were doing our best to see that Kansas led the way on animal health issues. I have his number but I won't include it until I ask his permission. That doesn't stop your emailing questions to his office.

Jack, your store and my kennel have a long track record, as I recollect about 25 years. We hope to continue into the next generation.

Take care and good luck,  
Sharon

STATE OF KANSAS

CAPITOL BUILDING  
ROOM 241 SOUTH  
TOPEKA, KS 66612



PHONE: (785) 296-3232  
FAX: (785) 368-8788  
GOVERNOR.KS.GOV

GOVERNOR JEFF COLYER, M.D.

June 29, 2018

Ms. Sharon Munk  
562 South Road 150 W  
Rexford, KS 67753-5344

Dear Ms. Munk:

I am pleased to confirm your appointment as a member of the Kansas Pet Animal Advisory Board, effective July 1, 2016, to serve a three year term ending on June 30, 2019. Our state will face many challenges in the coming years, and your efforts will help advance our vision for Kansas.

You will receive a Certificate of Appointment and oath of office from the Secretary of State's Office within the next few weeks. The oath of office should be completed, notarized and returned to the Secretary of State as soon as possible. Once the Secretary of State's office receives the notarized oath, you will be authorized to perform the official duties of your appointment.

Your willingness to serve the people of Kansas is commendable, and I hope you find your service rewarding. Congratulations on your appointment.

Sincerely,

A handwritten signature in cursive script that reads "Msabatini".

Mary Sabatini  
Assistant Director of Appointments  
Office of the Governor, Jeff Colyer, M.D.

Office of the Governor  
300 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612  
785-368-7097  
Mary.Sabatini@ks.gov

# Animal Breeder License

*Kansas Department of Agriculture, Division of Animal Health hereby Certifies that*

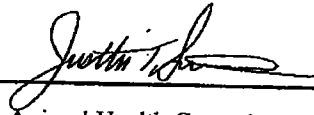
Expires:  
9/30/2019

BJS & GUYS LLC  
SHARON MUNK  
HC 1 BOX 38  
MENLO, KS 67753

License #:  
CB000CT7

BJS & GUYS LLC  
Bjs & Guys LLC  
SHARON MUNK  
HC 1 BOX 38  
562 S RD 150 W  
MENLO, KS 67753

*has the above address licensed as an Animal Breeder  
premise Pursuant to K.S.A 47-1701 et seq*

  
Animal Health Commissioner  
Dated at Topeka, KS: 8/8/2018

You may update your information or print a copy of your license online at anytime by going to  
<https://www.kellysolutions.com/ks/AnimalBreeders/updateinfo/login.asp>

Please use the following information to access your account:

Company Number: CB000CT7

Password: 53263484





KANSAS DEPARTMENT OF AGRICULTURE  
 Division of Animal Health  
 Animal Facility Inspections Program  
 1320 Research Park Dr, Manhattan, KS 66502

## INSPECTION REPORT

BJs & Guys LLC  
 Sharon Munk  
 BJs & Guys LLC  
 HC 1 Box 38  
 562 S Rd 150 W  
 Menlo KS 67753

AFI USDA Inspection

County: SHERIDAN  
 License Number: CB000CT7  
 Inspection Date: 01/24/2019  
 Inspected By: Elaine Adams  
 Purpose: Routine  
 Final Result: Satisfactory

Animal Breeder & Distributor

### Narrative

No non-compliant items were identified in this inspection.

#### Animal Inventory

705 Adult Dog

352 Puppies

0 Adult Cat

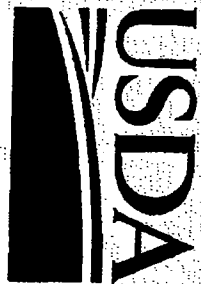
0 Kittens

Prepared By: Elaine Adams

Date: 1/24/19

Copy Received By: J. Meyer

Date: 1/24/19



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and  
Plant Health  
Inspection  
Service

Animal Care

EXPIRATION DATE: MARCH 21, 2020

This is to certify that

BJS & GUY'S L.L.C

is a licensed  
under the

CLASS B DEALER

## Animal Welfare Act

(7 U.S.C. 2131 et seq.)

Certificate No. 48-B-0081

Customer No. 4111

Deputy Administrator



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
**Species Inspected**

Customer: 4111  
Inspection Date: 12-MAR-19

Cust No	Cert No	Site	Site Name	Inspection
4111	48-B-0081	001	B J's & Guys L L C	12-MAR-19

Count	Scientific Name	Common Name
000703	<i>Canis lupus familiaris</i>	DOG ADULT
000484	<i>Canis lupus familiaris</i>	DOG PUPPY
001187	Total	



**Inspection Report**

B J'S & Guys L L C  
H C 1 Box 38  
Menlo, KS 67753

Customer ID: 4111

Certificate: 48-B-0081

Site: 001

B J's & Guys L L C


Type: ROUTINE INSPECTION

Date: 12-MAR-2019

No non-compliant items identified during this inspection.

This inspection and exit interview were conducted with facility representatives.

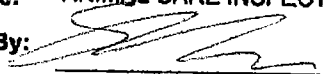
Prepared By:

  
LUNDY KENDALL, A C I    USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 4015

Date:  
12-MAR-2019

Received By:

  
SHARON MUNK

Title: FACILITY REPRESENTATIVE

Date:  
13-MAR-2019

# Mark Olson, DVM, Elected President of American Association of Veterinary State Boards (AAVSB)

Dr. Mark Olson has been elected by the American Association of Veterinary State Boards to serve as the president for the upcoming year. The AAVSB Annual Meeting and Conference was held in San Antonio, Texas, from September 14-16, 2017, and Olson, from Hoxie, Kansas, was selected to serve as the president of this ten-member national board of directors.

The AAVSB is the primary source of comprehensive veterinary regulatory information for its 62-member state and provincial constituents in the United States, Canada, District of Columbia, Puerto Rico, and the US Virgin Islands, and its office is located in Kansas City, Missouri. Dr. Olson began serving on the Board of Directors after he was elected at the annual AAVSB Conference in Kansas City, in September of 2013. Dr. Michael Gotchey, from Colorado, serves as President-Elect, Dr. Frank Walker, from North Dakota, serves as past president, and Dr. Chris Runde, from Maryland, serves as Treasurer. These three, along with Dr. Olson, will serve on the executive team providing leadership and vision for this organization and will work closely with the twelve-member staff to run the organization to support and advance the regulatory process for veterinary medicine.

Services provided include the administration of the Veterinary Technician National Examination (VTNE), evaluating the education equivalence of foreign veterinary graduates outside of the U.S. and Canada using the Program for Approval



of Veterinary Equivalency (PAVE), administering the member boards state and provincial specific jurisprudence examinations (SPA), and evaluating the qualifications of candidates who apply to take the veterinary licensing examination (VEER). Data Services provided include the VAULT program, which is the program for uniform licensing transfer of all candidates and allows streamlining the licensure process between all the Member Boards. The comprehensive Data Base for Licensure and Discipline is called the Veterinary Information Verifying Agency (VIVA). This provides score transfers for veterinarians and veterinary technicians and a credential gathering service for veterinarians. One of the most important items that AAVSB provides is the current Practice Act Model for all of the Member Boards. This updated model shows how issues are dealt with in statutes and regulations

which require state and provincial legislation to update in each jurisdiction.

Dr. Olson's first responsibility, as President, was to attend the initial Royal College of Veterinary Surgeons Innovation Symposium held at the Shard in London, England. He was accompanied by his wife, Barbara. Emphasis on the future of the professions, innovations in the regulatory process and telemedicine were discussed in great depth as regulation for veterinary medicine was compared between North America and England. Dr. Olson also serves on the National Wellness Task force, which involves the American Veterinary Medical Association, the American Association of Veterinary Medical Colleges, as well as the AAVSB. This task force is working hard to put a master plan in place for all professionals in veterinary medicine to go to for help with any sort of wellness issue.

"It is an honor and a privilege to be able to serve as president of the AAVSB," shares Dr. Olson. "This organization does not protect veterinarians and veterinary technicians, but plays the key role and provides available resources in regulating and protecting the public, in regard to health, welfare and safety involving the practice of veterinary medicine. Key issues we are working on currently are telemedicine, deregulation, and wellness issues."

Dr. Olson, along with Dr. Derek Pridey, are co-owners of Hoxie Veterinary Service, P. A., which is a full service mixed animal veterinary practice just north of Hoxie, Kansas.



# KEEP

Kansas Excellence through Education Program

Department of Agriculture  
Division of Animal Health



## SHARON MUMK

*has attained the highest five (5) star level for the year  
2018*

*having completed twenty one (21) credit hours of continuing education,  
therefore, demonstrating a professional commitment to pet animal health.*

Jeff Jones, Animal Facility Inspection Program Director

# KEEP KANSAS PETS SHINING

# America's Pet Registry, Inc

Certificate of Completion of the

APRI Sanctioned Canine Kennel Dental Care Clinic,  
Kansas Pet Professional's Annual Seminar,

Presented by: Lambert Vet Supply, Dr. Rick Kesler

*Sharon Munk*

March 30<sup>th</sup> 2012

*The holder of this certificate pledges to maintain a 'Plan for Prevention and Care' for  
Kennel/Home Canine Dental Care in conjunction with Veterinary services as needed.*



# Certificate of Attendance

This is to certify that

# Sharon Munk

registered for the

# Canine Care Workshop

held February 5, 2011

at the

College of Veterinary Medicine

Kansas State University, Manhattan, Kansas

Sponsored by

U.S. Department of Agriculture, APHIS, Animal Care

and

K-State College of Veterinary Medicine





**Kansas Animal Control Association**

of  
STATE OF KANSAS  
*Presents To*

**Sharon Munk**

*Office*  
**Certificate of Attendance**

Awarded for Participation in  
K.A.C.A. Annual Animal Care and Control Training Seminar  
September 16-18, 1992



*Tom Lubow*  
President

*Lucy Plank*  
Vice-President

<b>For Office Use Only:</b> Score: _____ Scored by: _____ (Initials) Date Scored: _____ (Check) Quiz 1 ___ Quiz 2 ___
---

**Kansas Excellence  
through  
Education Program**

**Questionnaire**

- The questionnaire below should be completed and returned to the Kansas Animal Health Department prior to participating in KEEP. Its purpose is to familiarize licensees with the Kansas Pet Animal Act.
- The answers to all questions may be found in the Kansas Pet Animal Act, which may be downloaded from the Kansas Animal Health Department website at [www.kansas.gov/kahd](http://www.kansas.gov/kahd) (click on "Laws and Regulations", then scroll down and click on "Kansas Pet Animal Act").
- The questionnaire should be completed with an 80% or greater proficiency (a minimum of 16 correct answers) before beginning KEEP. KEEP volunteers are encouraged to request and complete another questionnaire, should the 80% proficiency not initially be met.
- After completing the questionnaire, please forward it to the:

**Kansas Animal Health Department  
708 SW Jackson  
Topeka, KS 66603-1765  
Or fax to: (785) 296-1765**

**Date:** \_\_\_\_\_

**Facility Name:** \_\_\_\_\_

**Licensee Name(s):** \_\_\_\_\_

**Designated Manager or Director (if applicable – see program guidelines):** \_\_\_\_\_

**Kansas License Number:** \_\_\_\_\_

**Please circle the correct answer for each of the following 20 questions, as based on information contained in the Kansas Pet Animal Act:**

1. No license is required
  - A. unless there are three (3) intact females on the premises.
  - B. to raise and sell only one or two litters a year.
  - C. to sell puppies only to the general public.
  
2. Every pet shop in the state of Kansas must have a license with the Kansas Animal Health Department except those that
  - A. sell only fish.
  - B. are part of a franchise chain.
  - C. are located adjacent to a veterinary clinic.
  
3. Adequate feeding means supplying the animal with wholesome food
  - A. every 24 hours.
  - B. every 12 hours.
  - C. sufficient to maintain a reasonable level of nutrition.

4. The commissioner or the commissioner's authorized, trained representatives shall make an inspection of the premises for which an application for an original license or permit is made
  - A. before issuance of such license or permit.
  - B. within 30 days of issuing a license or permit.
  - C. within 30 days of receiving an application for a license or permit.
5. Inspection records of a deficiency or violation of the Kansas Pet Animal Act shall
  - A. be maintained in the state office files until the facility closes.
  - B. not be maintained for longer than three years after the deficiency or violation is remedied.
  - C. be maintained indefinitely.
6. Inspections can only be conducted
  - A. with prior notice to the owner or operator of the premises.
  - B. between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday.
  - C. by the livestock commissioner or any employee, representative, or agent of the department who the commissioner determines is trained in reasonable standards of animal care.
7. Each licensee shall ensure that the ambient temperature in the facility
  - A. does not fall below 45 degrees Fahrenheit.
  - B. does not fall below 45 degrees Fahrenheit for more than two hours.
  - C. does not fall below 45 degrees Fahrenheit for more than four consecutive hours.
8. The licensee shall not house more than
  - A. six adult non-conditioned dogs/cats in the same primary enclosure.
  - B. nine adult non-conditioned dogs/cats in the same primary enclosure.
  - C. twelve adult non-conditioned dogs/cats in the same primary enclosure.
9. Weaned means
  - A. that an animal has become accustomed to taking solid food, without nursing.
  - B. that an animal has become accustomed to taking solid food, without nursing for at least one week.
  - C. that an animal has become accustomed to taking solid food, without nursing for a period of at least five days.
10. Records of acquisition and disposition of animals need to be kept for
  - A. the current fiscal year and the previous fiscal year.
  - B. for three calendar years.
  - C. for five years.
11. Each animal area in an indoor housing facility shall be provided with
  - A. sufficient illumination for adequate cleaning during chores.
  - B. a regular diurnal lighting cycle of either natural or artificial light.
  - C. fluorescent lighting.
12. An adult animal is defined in the Kansas regulations as
  - A. four months or older.
  - B. six months or older.

- C. eight months or older.
13. In a feline primary enclosure, a receptacle containing
- A. three inches of clean litter must be provided.
  - B. six inches of clean litter must be provided.
  - C. sufficient clean litter must be provided.
14. It shall be unlawful for licensees to knowingly sell to/at
- A. unlicensed, out-of-state pet stores.
  - B. out-of-state flea markets.
  - C. unlicensed, out-of-state distributors.
15. Each licensee shall ensure that when dogs or cats are present, the ambient temperature in the facility does not rise above
- A. 85 degrees Fahrenheit for more than four consecutive hours.
  - B. 85 degrees Fahrenheit for more than four consecutive hours without auxiliary ventilation.
  - C. 85 degrees Fahrenheit without auxiliary ventilation.
16. The interior height of a primary enclosure shall
- A. allow the tallest dog to stand in a normal standing position.
  - B. be at least six (6) inches higher than the head of the tallest dog in a normal standing position.
  - C. allow the longest dog to stand erect (on hind legs) with paws on the front or sides of the enclosure.
17. Ventilation for a pound and shelter shall be provided
- A. at all times.
  - B. when temperatures reach 85 degrees Fahrenheit.
  - C. when humidity reaches 75%.
18. A pet shop shall not sell reptiles
- A. to customers where there are children under one year of age or people with weakened immune systems in the home.
  - B. without obtaining a certified reptile license.
  - C. unless a notice regarding safe reptile-handling practices is posted at each location where reptiles are displayed, housed, or held.
19. A licensed rescue home may not house more than
- A. nine adult animals.
  - B. fourteen adult animals.
  - C. nineteen adult animals.
20. Boarding or training kennel operator is defined as:
- A. Any person who operates an establishment where ten or more dogs or cats, or both, are maintained in any one month for boarding, training, or similar purposes for a fee or compensation.
  - B. Any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week for boarding, training, or similar purposes for a fee or compensation.
  - C. Any person who operates an establishment where any dogs or cats, or both, are maintained for boarding, training, or similar purposes for a fee or compensation.

As a teacher, you are invited to our educational outreach webinar the "Canine Facility Inspector" program is sponsoring.

Dr. Jeff Lake, the south central field veterinarian for the Kansas Department of Agriculture will be presenting on "Common Nutrition 101: Understanding nutrients and what they do" on March 29 from 12:00 p.m. to 1:00 p.m.

To participate in this webinar, click on the link below at the time scheduled time.



# YOU'RE INVITED TO A WEBINAR

**TOPIC:** Common Nutrition 101: Understanding nutrients and what they do

**TIME:** March 29 • 12:00 p.m. - 1:00 p.m. Central Time (US and Canada)

**LINK:** Join from PC, Mac, Linux, iOS or Android: <https://kansasag.zoom.us/j/9047667369>



We hope you can join us. The webinar will be recorded and posted on the AFI website page soon after the webinar.

**Kansas Animal Control Association**

of  
STATE OF KANSAS

*Presents To*

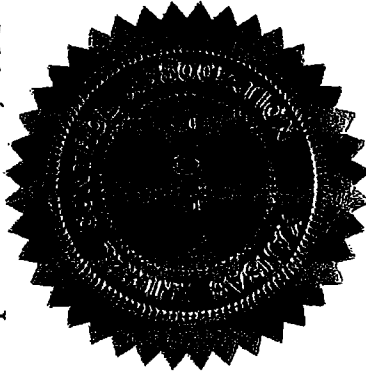
**Sharon Munk**

Whis

**Certificate of Attendance**

Awarded for Participation in

K.A.C.A. Annual Animal Care and Control Training Seminar  
September 12-14, 1991



*Billie L. Lumb*  
President

*Cindy Plant*  
Vice-President

## Kaitlyn Floyd

---

**From:** Claudia <claudia.k@comcast.net>  
**Sent:** Saturday, April 20, 2019 10:07 PM  
**To:** Kitsap Commissioners  
**Subject:** Contact from the website



Commissioners,

I urge you to ban sale of dogs and cats in the county. I have always thought, regardless of their comments, that Farmland's procurement of dogs was questionable at the very least.

I could never understand how the store stayed open at all. The isles are so narrow and it doesn't seem like a safe atmosphere for customers.

Thank you for your time,  
Claudia Kilburn  
3153 NW Lakeness Rd  
Poulsbo, WA 98370

Sent from [Mail](#) for Windows 10

## Kaitlyn Floyd

---

**From:** Andréa Delaplane <freakyfriday1907@yahoo.com>  
**Sent:** Friday, April 19, 2019 1:01 PM  
**To:** Edward E. Wolfe; Charlotte Garrido; Robert Gelder  
**Cc:** Kitsap Commissioners  
**Subject:** Comment - Andrea Delaplane - Kitsap County Proposed Ban on Sale of Puppies and Kittens - April 19, 2019

Kitsap County, Washington state, Board of Commissioners:

Email General - Kitsapcommissioners@co.kitsap.wa.us

District 1 - Robert Gelder - rgelder@co.kitsap.wa.us  
District 2 - Charlotte Garrido - cgarrido@co.kitsap.wa.us  
District 3 - Ed Wolfe - ewolfe@co.kitsap.wa.us

COPIES OF PROPOSED  
ADDRESS ONLY  
THREE (3)

Kitsap County Commissioners Office  
614 Division Street, MS - 4  
Port Orchard, WA 98366  
Phone (360) 337-7080  
Fax (360) 337-4632

**April 19, 2019**

Dear Sirs and Madame,

**I urge you to OPPOSE this proposed animal-rights ordinance.**

At a time in our country when government should be supporting small businesses, I am shocked and astounded to have been informed today that the Kitsap County Commissioners in Washington state are preparing to vote on an animal rights-driven ordinance to prohibit the retail sales of puppies and kittens from USDA "regulated" sources.

Talking points:

1. Pet stores are accountable, traceable sources for pets and are legitimate, legal businesses which are self-sustained.
2. Kitsap County's proposed ordinance is a mandate that stores sell animals sourced from **UNREGULATED rescues and shelters** which poses a serious threat to public health and safety for people and animals.
3. If this passes, this Kitsap County ordinance would be a mandate on pet stores to sell dog and cats



from UNREGULATED sources, making this a **rescue mandate on pet stores**; eliminating consumer choice while imposing a **safety risk to consumers, families, and other family pets**.

4. If passed, this Kitsap County ordinance hands the regulatory over to animal control agencies, **making animal rights organizations the enforcement arm** of this potential law.

5. Shelters and rescues are not equipped to provide accurate behavioral and safety assessments on animals, and they are often misguided, refusing to acknowledge inherent dangers or background of dogs - just to get them adopted out.

6. If passed, this Kitsap County ordinance imposes a health and safety risk to residents in the area since **shelters and rescues are exempt from the laws** that are required of professional breeders.

7. It is well documented by the Center for Disease Control that **many of the dogs in shelters and rescues are imported from foreign countries such as China, Korea, Mexico, Turkey, bringing with them disease, little or no health safeguards, and no behavioral background information**.

Please read the Truth About Pet Sales Bans:

<https://www.thecavalrygroup.com/resources/Documents/Truth%20About%20Pet%20Sale%20Bans.pdf>

References:

- 6 puppies parvo positive infected brought to the Spokane Pet Fair by a Washington state rescue group

[https://www.khq.com/top\\_story/six-puppies-treated-for-parvo-from-pet-expo-in-spokane/article\\_1e7b0dce-576b-11e9-b6be-c3846d7da67f.html](https://www.khq.com/top_story/six-puppies-treated-for-parvo-from-pet-expo-in-spokane/article_1e7b0dce-576b-11e9-b6be-c3846d7da67f.html)

- 2 dogs Rabies positive from Egypt imported by a rescue group escaped after landing in the USA

<https://www.kshb.com/news/local-news/dog-imported-from-egypt-by-kansas-shelter-infected-with-rabies-others-quarantined>

- Several dogs brought in from Korea show positive for Asian Distemper (**not curable and no vaccine in the USA**)

<https://news.cornell.edu/stories/2019/03/new-strain-canine-distemper-virus-arrives-north-america>

- Several dogs brought in from Korea show Brucellosis positive (transferable to humans and dogs); brucella canis KILLS puppies, renders animals INFERTILE, is highly contagious, and is a ZOO NOTIC disease (this is a way of WIPING OUT an ENTIRE dog population)

<https://news.wisc.edu/school-of-veterinary-medicine-assists-wisconsin-animal-shelters-with-canine-brucellosis-response/>

- Long horned Tick first introduced into the USA in 2013 probably from a 'retail rescue' dog from overseas (Asia); this tick can make humans and pets very, very sick.

<http://www.fox19.com/2019/04/12/cdc-issues-warning-about-asian-longhorned-tick-its-potential-march-toward-ohio/>

For the love of God and the safety and welfare of humans and animals, I again, **URGE YOU TO VOTE NO** on this proposed ordinance.

Respectfully submitted,

Andréa A. Delaplane  
Winlock, WA (Lewis county) - registered voter  
Home 360-369-4931  
Mobile 360-907-3839

**Kaitlyn Floyd**

---

**From:** Carolyn Lantz <llantzca@gmail.com>  
**Sent:** Sunday, April 21, 2019 8:44 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

OPPOSE  
KITSAP COUNTY  
VOTE NO

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

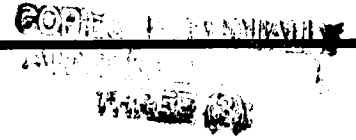
I respectfully ask that you VOTE NO.

Sincerely,

Ms. Carolyn Lantz  
8330 country cir  
Elizabeth, CO 80107  
Email Address: llantzca@gmail.com



**Kaitlyn Floyd**



**From:** James Stein <rhiannon2dogs@juno.com>  
**Sent:** Sunday, April 21, 2019 9:10 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. James Stein  
2109 Bennett Rd, Madison, Ohio 44057  
Madison, OH 44057  
Email Address: rhiannon2dogs@juno.com



## Kaitlyn Floyd

---

**From:** Melissa Dassinger <missydass@hotmail.com>  
**Sent:** Sunday, April 21, 2019 9:32 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

COPIES OF THIS DOCUMENT  
ARE BEING  
MAILED TO

Dear Commissioner Gelder Gelder:

The constitution matters and any proposed ban on pet stores or pet sales is unconstitutional.

Despite this, Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

It is important that you know these laws are not truly about animal welfare, they are being introduced with the goal of making animal ownership so difficult, that it ends.

These groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Melissa Dassinger  
14289 Bison Point Rd  
Rapid city, SD 57701  
Email Address: missydass@hotmail.com



## Kaitlyn Floyd

---

**From:** Corinne Fayo <ranger18@nycap.rr.com>  
**Sent:** Sunday, April 21, 2019 10:33 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Corinne Fayo  
91 Whitney Drive  
Valatie, NY 12184  
Email Address: ranger18@nycap.rr.com

**COPIES INDIVIDUALLY  
ADDRESSED TO ALL  
WARRS (3)**



## Kaitlyn Floyd

---

**From:** Liz Lufrano <gibsscot@yahoo.com>  
**Sent:** Sunday, April 21, 2019 10:51 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Liz Lufrano  
17979 Vierra Canyon Rd  
Prunedale, CA 93907  
Email Address: gibsscot@yahoo.com

COPIES 1 ANNUALLY  
ADDITIONAL  
THREE (3)



**Kaitlyn Floyd**

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**From:** Debra Narus <Debbyn2000@yahoo.com>  
**Sent:** Sunday, April 21, 2019 12:16 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

COPIES INDIVIDUALLY  
ADDRESSES  
THREE (3)

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Debra Narus  
197 Taylor rd  
Colchester, CT 06415  
Email Address: Debbyn2000@yahoo.com





## Kaitlyn Floyd

---

**From:** Mary Kay <mhk888@gmail.com>  
**Sent:** Sunday, April 21, 2019 1:07 PM  
**To:** Kitsap Commissioners  
**Subject:** Puppy and Kitten Mill Sales

COPIES  
APR 21 2019  
1:07 PM (9)

Good morning. On this Easter holiday, a fraught time for baby animals who are often bought and sold as presents, I wish to support the proposed legislation described in this morning's Kitsap Sun. It is high time that the disgraceful operation in Silverdale, Farmland, got attention from the County. I would have thought that the numerous reported transgressions in that shop, plus the frequent heartbreak from the defective animals sold there, would have caused the place to be closed down for cruelty. This week there has once again been quite a thread of reports on the North Kitsap Community FB group, videos documenting animals without water, in filthy cages, the usual problems there.

The legislation being proposed, however, would address a larger problem, that of this store being a supply line from a notorious puppy and kitten mill in Kansas. Do not accept owner claims that this facility is beneficial at all to the animals it controls. Please look into it as an example of what we do not want to support in this county, for example, <https://www.thisdogslife.co/the-horrible-hundred-report-released-to-shine-light-on-worst-puppy-mills/>. This legislation would not solve the many problems of animal neglect obvious to anyone who enters that dreadful shop. But it would cut off at least some of the flow of misery in our area.

To those who argue that legal sales at least can be regulated and thus ensure a somewhat better life for the young animals being hawked, I would simply point out that regulation simply does not work on a day to day basis as can be seen by walking into that place. It would take daily inspection to bring it up to and keep it at any sort of care standard. And a shop with battery cages, no exercise room, no outdoor access, no socialization opportunities, this is not an environment for anything but disease and misery. There are many citizens such as myself who make it a priority to boycott Farmland totally due to its animal business, and just for me this amounts to many thousands of dollar in the last 5 years as I have informed the owner in writing.

Please do everything you can to ensure that such a despicable enterprise stops its cruel mill sales and to prevent any more of this ilk from starting up.

Mary Kay  
11324 Ogle Road NE  
Poulsbo  
360-698-6085

**Kaitlyn Floyd**

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**From:** angela shubert <my2centsa1@hotmail.com>  
**Sent:** Sunday, April 21, 2019 1:12 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales



Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. angela shubert  
6367 E claire rd  
clare, IL 60111  
Email Address: my2centsa1@hotmail.com



COPIES INDIVIDUALLY  
ADDRESSES  
THREE (3)

**Kaitlyn Floyd**

---

**From:** Patricia Harris <patriciaharris2213@msn.com>  
**Sent:** Sunday, April 21, 2019 1:41 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Patricia Harris  
1511 Woody Guthrie Street  
Okemah, OK 74859  
Email Address: patriciaharris2213@msn.com



**Kaitlyn Floyd**

---

**From:** Curtis Livingston <nicetownsurfer@hotmail.com>  
**Sent:** Sunday, April 21, 2019 2:26 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Don't Make Breeders or Owners criminals and have more imported Pets coming in more than Beemers, Mercs, or Nissans because "Clearing Shelters" ...

Sincerely,

Mr. Curtis Livingston  
515 Ashmead Street  
Philadelphia, PA 19144  
Email Address: nicetownsurfer@hotmail.com



**Kaitlyn Floyd**

---

**From:** Elizabeth Layton <llisal8on@aol.com>  
**Sent:** Sunday, April 21, 2019 4:36 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Elizabeth Layton  
2013 cnty rt 10  
Laurens, NY 13796  
Email Address: llisal8on@aol.com



---

# Laura Woodrum

April 21, 2019

Board of County Commissioners (BOCC)  
614 Division St  
Port Orchard, WA 98366

Dear Kitsap County Board of Commissioners:

I am writing to urge you to APPROVE the suggested changes to Kitsap County Code Title 7 Revisions, Retail Sales of Animals, as outlined on your website under the Monday, April 22, 2019 agenda items. Please consider this my public comment.

First, I am a long-time resident and voter of Kitsap County. I recently left almost 18 years of service to Kitsap County as a dispatcher for Kitsap 911. My education consists of a degree in animal science, my history includes work as both an animal control officer and various positions within the veterinary community. I am a lifelong animal lover and I am a vocal advocate for humane treatment for all pets, livestock, and wildlife. My voting history will prove that I put my vote behind elected officials that reflect my personal values and beliefs. I hope you will give my request credence.

The BOCC has already demonstrated awareness of the population and treatment problem of pet dogs and cats by posting the information on its website. My independent research has verified what you already know about the thousands of homeless, euthanized, or abused pet dogs and cats in the United States.

However, my reason for writing stems from the Kitsap Sun's article and quotes from April 19, 2019 by Nathan Pilling, titled "Kitsap County Mulls Ban on retail

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dog and cat sales," with a section ascribed to "Farmland." Proprietor Jack Munro is quoted saying, *"(Some) would ask you to believe that Farmland sells puppies from kennels that chain dogs to sheds, stuff them in crates and treat their breeding dogs despicably,"* he said. *"Nothing could be (further) from the truth. Our licensed and inspected supply kennel perpetrates no despicable acts towards any of its breeders."* He further goes on to threaten that without the money he makes from the sale of dogs and cats, he may no longer be able to maintain his business, and that "he doesn't do anything wrong."

I'm not sure how the BOCC can post verified information on its website from the US Department of Agriculture and still be able to entertain concerns such as Mr. Munro's. According to him, Farmland is the "epitome" of a store that benefits from the sales of dogs and cats that come from horrendous conditions such as: forced breeding, inadequate shelter, food or water, and routine abuse. No matter that Mr. Munro seems to be aware of the conditions from which he profits, and he appears from his quotes to take it as a matter of entitlement that he be allowed to continue doing so. Nothing could be further from THAT truth. A simple tour through his facility will show dogs and cats as young as seven weeks crowded into small cages, their bellies swollen with parasites and sleeping in their own waste – or worse – on wire cages with no bedding. The luckier ones get to spend the day in a tub full of filthy wood shavings. And that doesn't even include the sickly and diseased poultry that is routinely sold at Farmland. These conditions have been the same for years and years, and it's high time someone did something about it.

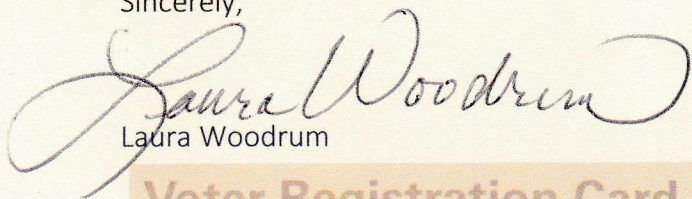
Not only are the dogs and cats that are sold out of Farmland bought from a PUPPY MILL, they are also sold with no regard to who is buying them. The Kitsap County Humane Society and the various animal rescue organizations in our county require approval to adopt pets, Farmland requires money. The rescuers provide resources to help new pet owners responsibly care for their pets, Farmland requires money. The rescuers in Kitsap County work with Kitsap Animal Control (KAC) in order to ensure safe and humane treatment of animals, Farmland works to take funds away from these groups and put them into the pocket of Jack Munro. The quotes attributed to him in the Kitsap Sun show

where his priorities lay, and your website proves that businesses with those priorities are contributing to the national problem of promoting abusive and inhumane treatment of dogs and cats.

It is the responsibility of residents, communities, and elected officials to protect and promote safe and humane conditions for its animal populations. The BOCC has the information it needs to achieve this for our small corner of the world, and in my opinion, it is morally obligated to do so. *Please ban the sale of dogs and cats in Kitsap County.*

*"The greatness of a nation can be judged by the way its animals are treated."*  
*Mahatma Gandhi*

Sincerely,



Laura Woodrum

**Voter Registration Card**

*Your ballot will arrive by mail.*

Kitsap County voter since: 6/2/2000

Card print date : 03/15/2019

US Congress District 6

Voter ID number : 8994

STATE LEGISLATIVE DISTRICT 35

Precinct : 100088

COUNTY COMMISSIONER DISTRICT 2

---

LAURA ELIZABETH WOODRUM

1228 LANSING AVE W

BREMERTON, WA 98312

PhotoScan by Google Photos





## Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: **4111**  
Certificate: **48-B-0081**  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: Jul-11-2016

**2.40** (b) (2) **REPEAT DIRECT NCI**  
**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

Female, adult Shih Tzu with tag number 12 has an eye problem. The lower lid of the right eye is very swollen, red and the edge is uneven. There is copious thick, light colored discharge around the eyelids and in the eye. There is also discharge in the fur around the right eye area and on the face below the eye. The "white" of the eye is not red. This dog has not been evaluated by a veterinarian. Eyelid problems can be caused by trauma, eyelid conformation, and other problems, can be painful, and can affect the eye and vision.

Female, adult Pomeranian with tag number 48 was seen repeatedly rubbing the right side of her back and rear end on the cage wall. When examined, she has an area of thickened, bumpy skin with a few scabs covering about half of the right side of her tail and next to the head of the tail. She also has a firm, hairless mass on the right side of her back. The skin in this area is dry and mildly rough. The licensee states this dog has been "dipped" for parasites but has not been evaluated by a veterinarian. Skin problems can be caused by infection, parasites, and other medical problems and can be itchy and painful. The rubbing on the cage wall shows that this condition is uncomfortable or itchy for this dog.

The animals listed above must be examined by a licensed veterinarian in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. This information, including the diagnosis, treatment and resolution of the condition, must be documented and made available to the inspector upon request.

**3.1** (a)  
**HOUSING FACILITIES, GENERAL.**

There were dogs in two enclosures that were observed pushing the covers to their enclosures up and sticking their heads between the covers and enclosure walls. Dogs can be injured when not securely contained in their enclosures. All enclosures must be constructed in a manner that securely contains the animals and protects them from injury. The dogs in one enclosure were moved to an enclosure with a secure top at the time of the inspection. Correct by 19 July 2016.

Prepared By:

**KENDALL LUNDY, A C I**

KENDALL D LUNDY, A.C.I. USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR Inspector 4015

Date:  
Jul-12-2016

Received By:

Title:

Date:  
Jul-12-2016



## Inspection Report

**3.1** (c) (1) (i) **REPEAT**

### HOUSING FACILITIES, GENERAL.

There are metal panels located along the lower edges of the outdoor portions of several enclosures of the "Mini Motel" building and the southwest quadrat of the "Free Willy" building that have flaking paint and are starting to rust. The expanded metal on the northeast side of the "Village" building is rusting with some structural loss. Surfaces that have flaking paint and are rusted cannot be readily cleaned and sanitized, as well as rust can affect structural strength. All surfaces must be maintained to allow them to be readily cleaned and sanitized and maintain structural integrity.

**3.3** (a)

### SHELTERED HOUSING FACILITIES.

The ambient temperature in two buildings were recorded by the inspector's Kestrel to exceed 85 degrees F. The temperature recorded in the "Tiny Tyke" building at 2:15pm was 88.4 degrees F, at 3:50pm was 91.9 degrees, and 86.2 degrees F at 6:53pm. The temperature recorded in the "Nickel" building at 2:27pm was 86.9 degrees F, at 4:05pm was 87.6 degrees F and 86.1 degrees at 6:45pm. These temperature readings were recorded on top of the dog enclosures at the end of the building farthest from the air conditioner (temperatures recorded approximately half-way in the building were at or below 85 degrees F). In addition to the air conditioner, there was one fan in both buildings. In the interim of temperature readings the facility representative had additional fans added to the buildings and had some of the windows covered with an opaque material. Temperatures above 85 degrees F may cause discomfort to the dogs and may lead to heat stress. The ambient temperature must not rise above 85 degrees F for more than 4 consecutive hours when dogs are present. Correct by 19 July 2016.

**3.6** (b) (2) (x)

### PRIMARY ENCLOSURES.

There are puppies in at least two separate elevated enclosures on flooring with 1"X1" openings. Feet and legs of these puppies were observed passing through these openings. Flooring with openings too large for the animals feet may cause injury to the animals housed in those enclosures. Enclosures must have flooring that do not allow the dogs' feet to pass through any openings in the floor. Correct by 19 July 2016.

This routine inspection was conducted on 11 July 2016 with a facility representative, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI

The exit interview was conducted on 12 July 2016 with a facility representative, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI.

Prepared By:

**KENDALL LUNDY, A C I**

KENDALL D LUNDY, A.C.I. USDA, APHIS, Animal Care

Date:

Title: ANIMAL CARE INSPECTOR Inspector 4015

Jul-12-2016

Received By:

Title:

Date:

Jul-12-2016



### Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: **4111**  
Certificate: **48-B-0081**  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: 10-JAN-2017

**2.40(b)(2) DIRECT REPEAT**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

An adult male Chinese pug with tag number 36 has an abnormal right eye. The surface of the right eye (cornea) appears to be dry and there is a large cloudy area on the cornea. The right eye protrudes from the socket more than the left one and the eyelids do not fully close over the right eye when the dog blinks. The "white" of the right eye is red and there are prominent blood vessels visible there. There was a crust on the upper and lower lids surrounding the right eye.

An adult female Chinese pug with tag number 21 has an abnormal right eye. The surface of the right eye (cornea) is dry and has a large area of cloudiness. The "white" of the eye has prominent blood vessels that are not present on the left eye.

Eye problems can be a result of trauma, infection, and other medical problems. They can be painful for the dog and have the potential to damage the eye. The licensee must have these dogs examined by a licensed veterinarian as soon as possible in order to obtain accurate diagnoses and appropriate treatment plans for the issue cited above. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, all diagnostic tests and the outcome of those tests that were performed by the veterinarian, any medications prescribed along with the dosing instructions, and entries on a log and/or calendar and/or animal health record that list when the medication is administered to the animals.

There should also be an entry at the end of the treatment to document the health status and condition of each animal at that point, to indicate a time frame to address current issues that require further veterinary treatment, and the need for follow-up and any further veterinary care prescribed.

The licensee must ensure that all animals showing potential signs of veterinary medical problems are evaluated in a timely manner by a veterinarian as part of the facility's programs of adequate veterinary care and that the facility use appropriate methods to prevent, control, diagnose, and treat diseases, and injuries at all times.

A female West Highland white terrier with tag number 61 and a Yorkshire terrier with tag number 30 had excessively long nails that were causing their toes to be mal-positioned. Failure to appropriately maintain nails can cause postural and gait abnormalities which could be painful for the dogs or lead to injuries. As part of the facility's

**Prepared By:** KENDALL LUNDY, A C I

KENDALL LUNDY USDA, APHIS, Animal Care

**Date:**  
10-JAN-2017

**Title:** ANIMAL CARE INSPECTOR 4015

**Received By:** [Redacted]

**Title:**

**Date:**  
11-JAN-2017



### Inspection Report

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programs of preventative veterinary care, the licensee must ensure that all animals receive appropriate nail care in a timely manner. The nails were trimmed by a facility employee during the inspection.

#### 3.6(a)(2)(ii)

##### PRIMARY ENCLOSURES.

There were two live electric power cords used for heating pads where the cord protectors are no longer protecting the cords. One cord was in the "Tot Spot" building being used for one litter of four puppies and one cord was in the "Bassinets" building in use for one female and her litter of 7 puppies. Live electric power cords could cause injury to the dogs if they are chewed by the dogs. All power cords must be installed in a manner that protects the animals from coming into direct contact with the cords. These were corrected at the time of the inspection.

This inspection was conducted with facility representatives on 10 Jan. 2017.  
The exit interview was conducted with facility representatives on 11 Jan. 2017.

##### Additional Inspectors

Dominique Engel, Veterinary Medical Officer

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Prepared By:

KENDALL LUNDY, A C I

KENDALL LUNDY USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 4015

Date:  
10-JAN-2017

Received By:

Title:

Date:  
11-JAN-2017



THE HUMANE SOCIETY  
OF THE UNITED STATES

# The Horrible Hundred 2017

## A sampling of problem puppy mills and puppy dealers in the United States

May 2017

For the fifth straight year, The Humane Society of the United States is reporting on problem puppy mills, including some dealers (re-sellers) and transporters. The Horrible Hundred 2017 report is a list of known, problematic puppy breeding and/or puppy brokering facilities. It is not a list of all puppy mills, nor is it a list of the worst puppy mills in the country. The HSUS provides this update annually, not as a comprehensive inventory, but as an effort to inform the public about common, recurring problems at puppy mills. The information in this report demonstrates the scope of the puppy mill problem in America today, with specific examples of the types of violations that researchers have found at such facilities, for the purposes of warning consumers about the inhumane conditions that so many puppy buyers inadvertently support.

The year 2017 has been a difficult one for puppy mill watchdogs. Efforts to get updated information from the United States Department of Agriculture (USDA) on federally-inspected puppy mills were severely crippled due to the USDA's removal on Feb. 3, 2017 of all animal welfare inspection reports and most enforcement records from the USDA website. As of April 20, 2017, the USDA had restored some animal welfare records on research facilities and other types of dealers, but almost no records on pet breeding operations were restored.

The information in this report, therefore, is a compilation of records obtained from state inspection data in those states that inspect puppy mills, and/or from recent USDA records that The HSUS preserved before the USDA removed the reports from



Puppies at the facility of Alvin Nolt in Thorpe, Wisconsin, were found on unsafe wire flooring, a repeat violation at the facility. Wire flooring is especially dangerous for puppies because their legs can become entrapped in the gaps, leaving them unable to reach food, water or shelter. (Photo: Wisconsin Dept of Agriculture)

their website, as well as certain available court records, consumer complaints, investigator visits and media reports.

Missouri continues to have the greatest number of problem breeders and dealers in our report (19) for the fifth year in a row, followed by a three-way tie of Ohio (12), Kansas (12) and Pennsylvania (12). Last year, Iowa had the second highest number of dealers in the report (15), followed by Kansas (14) and Ohio (9). The large number of listings in certain states is at least partly due to the greater availability of records in some states. States that do not inspect puppy mills at all, such as Arkansas and Tennessee, have scant information available. And some states that do have pet breeder inspection laws, such as Oklahoma, did not respond to our open public records requests, leaving us with very little information on problem kennels in their states.

#### What's new in this year's Horrible Hundred:

- This year, Missouri had the most dealers in our report for the fifth year in a row, with 19 dealers, followed by a three-way tie among Ohio (12), Kansas (12) and Pennsylvania (12).
- Researchers found at least nine dealers in this year's report selling online on PuppyFind.com. PuppyFind.com has repeatedly been linked to problem puppy mills listed in our Horrible Hundred reports. A number of the breeders in this report also advertise on other online outlets, including internet classified sites and on social media. This trend appears to be on the rise and is of high concern.
- 45 dealers included are new to the report, and 55 are "repeat offenders" who have appeared in one or more of our prior puppy mill reports.
- In this year's report we also included a few dog dealers and at least one transporter who are primarily involved in conveying or re-selling puppy mill dogs. Although these operators are not technically dog breeders, they are closely tied with the puppy mill industry, and thus the injury and/or deaths of puppies in their care is pertinent to the educational value of this report.

In 2016, the USDA revoked the licenses of seven puppy mills that had been in past Horrible Hundred reports, including **Wilma Jinson/Jinson Kennel** of Stella, Missouri, **Keith Ratzlaff** of Canton, Kansas, and **Donald Schrage/Rabbit Ridge Kennel** of Edina, Missouri, all of whom had appeared in all four of our previous Horrible Hundred reports. The USDA also revoked the license of **Dwayne Hurliman** of Cordell, Oklahoma, who appeared in two previous Horrible Hundred reports and was the subject

of a 2016 HSUS undercover investigation. However, revocations are rare. The USDA enforces only the minimum



Linda Lynch was found operating an unlicensed breeding facility in Texas. Inspectors found dogs in tiny cages, piled up and surrounded by clutter. It appeared the dogs barely had enough room to turn around. The facility is now state licensed. (Photo: Texas Dept of Licensing and Regulation)

care standards required under the Animal Welfare Act (AWA) regulations. The AWA's animal care standards are not optimal standards but survival standards, which are so low that licensed puppy dealers can still legally keep hundreds of dogs in small, stacked cages for their entire lives, with little or no exercise, enrichment or human attention, as long as the dogs are provided with basic provisions such as food, water and rudimentary shelter. Because the standards are so minimal, it is even more shocking to see how many breeders fail to comply with even the most basic rules.

Due to the USDA's removal of public information on animal mistreatment from public view, it is more important than ever for the public to understand that they should never purchase a puppy from a pet store, website, or from any breeder who won't allow a buyer to browse their facility in person and see how the animals are kept.

This report includes puppy mills from 20 states, but because most of the dealers sell online or to pet stores, their puppies could be available to unwary consumers all across the country and beyond.

For more information on the methodology used in preparing this report, please see the Methodology section on the last page.

### **FARMLAND PETS & FEED, Silverdale, WA buys their puppies for resale from this mill:**

- **Sharon Munk, BJ's & Guys, LLC, Menlo, Kansas:**

**FACILITY WITH OVER 1,100 DOGS FOUND WITH DANGEROUS HOUSING, POOR TEMPERATURE CONTROL, THREE DOGS IN NEED OF VETERINARY CARE; RECEIVED OFFICIAL WARNING FROM USDA.**

Multiple violations were found by USDA inspectors at **BJ's & Guys, LLC** in 2016, including a shih tzu with a swollen, red eye that had a copious, thick discharge; a pomeranian with scabs and hair loss; and a pug with an eye disorder. In addition, puppies were found with their feet dangling through 1 inch gaps in the wire flooring, a condition that could lead to serious injury or leg entrapment; some of the adult dogs were found sticking their heads through unsafe gaps in their cages; and some of the housing had flaking paint and rust that in some areas was so advanced that it was affecting structural safety (a repeat violation), according to USDA reports.

In addition, an inspection found two of the buildings with excessively hot conditions in July 2016, with one building reaching a high of 91.9 degrees and another reaching a high of 87.6 degrees Fahrenheit. The USDA inspector noted that these conditions could lead to heat stress in the dogs.

In June 2016, BJ's & Guys received an official warning from the USDA for a lack of adequate veterinary care, related to a direct violation that occurred in January 2016.

BJ's & Guys is thought to be the largest breeder/ broker in Kansas, with 755 adult dogs and 425 puppies found at a federal inspection in July 2016, a total of 1,180 animals. All the violations noted above were found in July 2016, with the exception of the pug with the eye condition, which was noted during a focused (follow-up) inspection in January 2016. Inspectors also found violations in 2015 and 2014. USDA # 48-B-0081.

note: excerpted from page 16 of the original report

## Methodology

It is not possible to list all of the problematic puppy mills in the country in a single report. Due to the patchwork of laws across the U.S. and spotty enforcement, many puppy mills are not licensed or regulated, and very little information on them is available to the public. We selected the facilities listed in this report to demonstrate common problems and conditions at puppy mills and puppy mill transporters/brokers across the United States. The sellers listed in this year's report were selected based upon a number of factors, which included, but were not limited to:

- The availability of state kennel inspection reports showing violations, or related documents received via public records requests.
- The availability of federal (USDA) kennel inspection reports showing violations, or related documents received via public records requests. This includes USDA records of inspections and enforcement action that were publically available prior to Feb. 3, 2017, when the agency removed the reports.
- USDA Official Warnings for Violation of Federal Regulations or other enforcement actions or fines (this information was updated on the USDA's website through August 2016, and was publically available until Feb. 3, 2017; some of it has since been removed by the agency);
- The quantity of violations found on state or federal inspection reports and/or the severity of violations, especially those affecting animal safety and health, and how recently the violations occurred;
- Whether the dealer was listed in one of the HSUS's prior reports and has continued to accumulate violations since then;
- The availability of consumer complaints, investigation reports, photographs or news articles; and
- Indications that the facility appeared to be in business at the time of publication.

Due to the fact that many public records are no longer available on the USDA's website, it is possible that some violators listed in this report have had compliant inspections, additional violations, or license changes that were not available to HSUS researchers when this report was prepared.

Some puppy mills were not listed because they are under active investigation.

If a breeding facility is not listed in this report, it may be due to a lack of available records and/or a lack of information or space, not necessarily a lack of significant problems.

Some brokers (re-sellers) were included because many brokers are also breeders and/or support the industry by buying from puppy mills.

Throughout the report, the notation "**Repeat Offender**" means that the facility or operator has appeared in one or more prior HSUS puppy mills reports, including *Missouri's Dirty Dozen* (2010); *Update Report: Missouri's Dirty Dozen* (2011), *The Horrible Hundred* (2013 or 2015 or 2016) and/or *101 Puppy Mills* (2014).

### DEFINITION OF A PUPPY MILL

A [puppy mill](#) is a dog breeding operation, offering dogs for monetary compensation, in which the physical, psychological and/or behavioral needs of all or some of the dogs are not being consistently fulfilled due to inadequate housing, shelter, staffing, nutrition, socialization, sanitation, exercise, veterinary care and/or inappropriate breeding.



**BUYER BEWARE**

Individuals who have purchased a sick puppy whom they believe may have come from a puppy mill may file a report with the USDA using their online form at [aphis.usda.gov/animal\\_welfare/aw\\_complaint\\_form.shtml](https://aphis.usda.gov/animal_welfare/aw_complaint_form.shtml) and to The HSUS at [humanesociety.org/puppycomplaint](https://humanesociety.org/puppycomplaint). Buyers of sick puppies may also consider filing a complaint with the breeder's state department of agriculture and/or their state Attorney General or consumer protection division.

Potential puppy buyers who witness suspected animal cruelty at a dog breeding operation should report it to the breeder's local animal control agency or local humane organization. If no such agency exists, report details to the local police or sheriff's department. For additional help, call the HSUS' Puppy Mill Tipline at 1(877) MILL-TIP.

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## Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: 4111

Certificate: 48-B-0081

Site: 001

B J's & Guys L L C

Type: ROUTINE INSPECTION

Date: Jan-27-2016

### 2.40 (b) (2) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

An adult male Chinese pug with tag number 14 has problems with his right eye. The surface of the eye (cornea) is uneven in appearance with areas that are thick and white and an area that is dark in color. The "white" of the right eye is more red than the other eye and there are prominent blood vessels visible there and on the cornea. Eye problems can be a result of trauma, infection, and other medical problems and can be painful. The licensee must have this dog examined by a licensed veterinarian by close of business on 28 January 2016 in order to ensure that an accurate diagnosis is obtained and that an appropriate treatment plan is developed and followed. The licensee must document the outcome of this consultation and make it available to the inspector upon request.

### 3.1 (c) (1) (i)

#### HOUSING FACILITIES, GENERAL.

There are metal panels located along the lower edges of the outdoor portions of several enclosures of the "Terrier Turf" building and the "Tiny Tike" building that have flaking paint and are starting to rust. Surfaces that have flaking paint and are rusted cannot be readily cleaned and sanitized. All surfaces must be maintained to allow them to be readily cleaned and sanitized. Correct by 27 April 2016.

### 3.4 (b) (4)

#### OUTDOOR HOUSING FACILITIES.

There are three Saint Bernard dogs housed in an outdoor housing facility. There is some bedding in the shelter structure but it is dirty and mostly pushed to the side of the shelter so that not all three dogs can make use of it. While the temperature at the time of inspection was 54.7 degrees F making bedding unnecessary at that moment, a search on the NOAA website (weather.gov) for the licensee's zip code shows the low temperature the previous night was 21 degrees F. Lack of bedding in cold weather can result in dogs that cannot maintain a safe body temperature. The licensee must provide clean, dry bedding material when the ambient temperature is below 50 degrees F and additional bedding when the temperature is below 35 degrees F. This was corrected during the inspection.

Prepared By:

KENDALL LUNDY, A.C.I.

KENDALL D LUNDY, A.C.I.

USDA, APHIS, Animal Care

Date:

Jan-27-2016

Title:

ANIMAL CARE INSPECTOR

Inspector 4015

Received By:

(b)(6),(b)(7)(c)

Date:

Jan-28-2016

Title:

## Inspection Report

**3.11** (a)

**CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

There is an excessive accumulation of feces in at least 10 of the outdoor elevated portions of the "Village Inn" building. According to the representative these enclosures were last cleaned 6 days ago. Accumulations of feces can increase disease transmission and can soil the dogs in these enclosures. Excreta must be removed from primary enclosures on a daily basis. This was corrected at the time of the inspection.

This routine inspection was conducted on 27 January 2016 with facility representatives, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI.

The exit interview was conducted on 28 January 2016 with facility representatives, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI.

<b>Prepared By:</b>	KENDALL LUNDY, A.C.I.	
	KENDALL D LUNDY, A.C.I.      USDA, APHIS, Animal Care	<b>Date:</b>
<b>Title:</b>	ANIMAL CARE INSPECTOR      Inspector 4015	Jan-27-2016
<b>Received By:</b>	(b)(6), (b)(7)(c)	
<b>Title:</b>		<b>Date:</b> Jan-28-2016

Animal Inventory for Inspection Date: Jan 27, 2016		
Inspection Animal Count	Animal Common Name	Animal Group Name
695	DOG ADULT	DOGS
385	DOG PUPPY	DOGS



Click this icon to export this data into an excel spreadsheet format



### Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: **4111**  
Certificate: **48-B-0081**  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: Mar-04-2015

**3.1 (c) (2)**  
**HOUSING FACILITIES, GENERAL.**

In the outdoor portion of an enclosure in one of the sheltered buildings, there was a broken section of paneling approximately six inches by nine inches that exposed the wood underneath. Exposed wood is not impervious to moisture and cannot be readily cleaned and sanitized. The licensee must ensure that all surfaces be maintained on a regular basis, and any surfaces within the facility that cannot be readily cleaned and sanitized must be replaced when worn or soiled. Corrected at the time of inspection.

**3.6 (a) (2) (ii)**  
**PRIMARY ENCLOSURES.**

There are at least 6 electric power cords for the heating pads in one whelping building where the cord protectors are no longer protecting the cords. Some of the live electric cords have chew marks on them from the dogs. Live electric power cords could cause injury to the dogs if they are chewed by the dogs. All power cords must be installed in a manner that protects the dogs from coming into direct contact with the cords. This was corrected at the time of the inspection.

This routine inspection was conducted on 4 March 2015 with facility representatives and Lynn Clarke, ACI. The exit interview was conducted on 5 March 2015 with facility representatives and Lynn Clarke, ACI.

<b>Prepared By:</b>	<b>KENDALL LUNDY, A.C.I.</b>	
<b>Title:</b>	KENDALL D LUNDY, A.C.I.      USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR      Inspector 4015	<b>Date:</b> Mar-05-2015
<b>Received By:</b>	<b>(b)(6), (b)(7)(c)</b>	
<b>Title:</b>		<b>Date:</b> Mar-05-2015

Inspection Report Explanation: [http://www.aphis.usda.gov/animal\\_welfare/downloads/IR\\_Explanation.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf)

Animal Inventory for Inspection Date: Mar 4, 2015		
Inspection Animal Count	Animal Common Name	Animal Group Name
775	DOG ADULT	DOGS
372	DOG PUPPY	DOGS

Click this icon to export this data into an excel spreadsheet format

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## Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: **4111**  
Certificate: **48-B-0081**  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: Mar-19-2014

**3.1 (a)**  
**HOUSING FACILITIES, GENERAL.**

One enclosure housing two dogs has a large hole dug under the dog shelter. Holes dug under structures may undermine the stability of the structures and may result in the hole collapsing. Facilities must be kept in good repair to protect the animals from potential injury. This hole was filled during the inspection.

**3.1 (c) (1) (i)**  
**HOUSING FACILITIES, GENERAL.**

There are metal panels located along the lower edge of three enclosures (#21 of the "Free Willy" building and #16 and #10 of the "Toy Land" building) that have flaking paint and are starting to rust. Surfaces with flaking paint and rust cannot be readily cleaned and sanitized. All surfaces must be maintained to allow them to be readily cleaned and sanitized. Correct by 9 April 2014.

**3.4 (b)**  
**OUTDOOR HOUSING FACILITIES.**

Four dogs housed in two enclosures are not provided with adequate areas of shade. Lack of protection from the direct rays of the sun may cause discomfort to the dogs. All dogs in outdoor housing facilities must be provided with areas of shade large enough for all the dogs to have access at the same time. Shade material was provided during the inspection.

**3.11 (a)**  
**CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

There is an excessive accumulation of feces in three enclosures. The licensee stated these enclosures were cleaned 6 days ago. Excessive accumulation of feces may lead to an increase in diseases, odors, and pests. All primary enclosures must be cleaned on a daily basis. These enclosures were cleaned during the inspection.

Prepared By: **KENDALL LUNDY, A.C.I.**

KENDALL D LUNDY, A.C.I.      USDA, APHIS, Animal Care  
Title: ANIMAL CARE INSPECTOR      Inspector 4015

Date:  
Mar-19-2014

Received By: **(b)(6),(b)(7)(c)**

Date:  
Mar-20-2014



## Inspection Report

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This routine inspection was conducted on 3/19/2014 with the licensee.  
The exit interview was conducted on 3/20/2014 with the licensee.

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**Prepared By:** KENDALL LUNDY, A.C.I.

**Title:** KENDALL D LUNDY, A.C.I.      USDA, APHIS, Animal Care  
ANIMAL CARE INSPECTOR      Inspector 4015

**Date:**  
Mar-19-2014

**Received By:** (b)(6), (b)(7)(c)

**Title:**

**Date:**  
Mar-20-2014





## Inspection Report

B J'S & GUYS LLC

Customer ID: 4111

Certificate: 48-B-0081

Site: 001

B J'S & GUYS LLC

HC 1 BOX 38

Type: ROUTINE INSPECTION

MENLO, KS 67753

Date: Jun-23-2010

### 3.6 (a) (1)

#### PRIMARY ENCLOSURES.

Sec. 3.6 Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements: (a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

There are **three enclosures housing approximately 9 dogs** that have metal expanded floors and expanded metal divider panels that are **corroded to the point that the enclosures are no longer structurally sound**. These three enclosures were either repaired during the time of inspection and made structurally sound or in the case of one enclosure, the dogs were moved to an appropriate enclosure.

Inspection and exit interview conducted with owner.

#### Prepared By:

KENDALL D LUNDY, A.C.I. USDA, APHIS, Animal Care

Date:

Title: ANIMAL CARE INSPECTOR

Inspector 4015

Jun-23-2010

#### Received By:

(b)(6),(b)(7)(c)

Date:

Title:

Jun-23-2010

HC 1 BOX 38

Type: ROUTINE INSPECTION

Date: Jul-29-2009

MENLO, KS 67750

**3.1** (C) (1) (i)**HOUSING FACILITIES, GENERAL.**

Sec. 3.1(c)(1)(i) Housing facilities, general. Surfaces—(1) General requirements: The surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility—must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must: Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

\* There are 6 pens that have rusted expanded metal where the expanded metal pen divider panels and the expanded metal flooring meet together. These areas have rusted to the point that the divider panels are starting to break apart causing rough edges and broken metal. These need to be reconstructed or repaired in a manner that is structurally sound and protects the animals from potential injury. This involves 11 dogs and the pens are as follows:

Tiny Tyke kennel west pens 4, 5, 6, 16, & 23.

Tiny Tyke kennel east pen 9.

To be corrected by: 08-05-2009.

**3.6** (C) (1) (ii)**PRIMARY ENCLOSURES.**

Sec. 3.6(c)(1)(ii) Primary enclosures. The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position: Provided That, prior to February 15, 1994, each dog must be able to stand in a comfortable normal position.

\* There are at least 14 pens in the Cradle and Ette buildings that do not allow the dogs in these pens the required 6 inches of overhead height when in the normal standing position. The dogs in these pens need to be moved to a pen that provides the required 6 inches of over head height or these cages need to be reconstructed in a manner that is tall enough to accommodate these larger dogs. This involves 14 dogs and the pens are as follows:

Prepared By:

FARON A GREENOUGH, A.C.I.

USDA, APHIS, Animal Care

Date:



## FACT SHEET

### AB 485 (O'Donnell and Dababneh) Pet Rescue and Adoption Act

## SUMMARY

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AB 485 requires pet store operators offering dogs, cats or rabbits for retail sale in California pet stores to only obtain these animals from an animal shelter or rescue group.

## PROBLEM

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“Puppy mills” or “kitten factories” are commercial breeding facilities that mass-produce animals for sale to the public, primarily through retail pet stores. Because pet stores are one step removed from the breeding of the animals they sell, store owners rarely know the breeding conditions of their animals. In many cases, puppy mills house animals in overcrowded and unsanitary conditions without adequate food, water, socialization or veterinary care. As a result, animals bred in these facilities often face an array of health problems, including communicable diseases, behavioral issues and genetic disorders.

The federal Animal Welfare Act (AWA) requires breeders who sell puppies to pet stores to be licensed and inspected by the U.S. Department of Agriculture (USDA). However, the standards that these breeders are required to meet by law are extremely minimal. For example, under the AWA, a cage is required to be only six inches larger than the animal it houses and cleaned just once a week. Furthermore, the USDA recently removed all breeder licensing and inspection data from their website. It is now impossible for retailers and consumers to access any information about the facilities they

obtain their animals from, including histories of animal abuse.

In light of these inhumane conditions, 33 cities and counties in California have banned the retail sale of puppy mill dogs and cats in their local pet stores. Additionally, many pet stores have already worked to ensure their animals come from humane sources, demonstrating that it is possible to have a successful pet-related business without supporting puppy mills. Unfortunately, despite these tireless efforts, many pet stores throughout the state continue to obtain their dogs and cats from puppy mills.

## SOLUTION

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California taxpayers spend a quarter of a billion dollars annually to house animals in local shelters while puppy mills throughout the country continue to mass breed animals for profit. AB 485 attempts to curtail these operations by supporting access to pet rescue and adoption in California retail pet stores. By offering puppies, kittens, and rabbits for adoption from nearby shelters, pet stores can save the lives of animals in search of a home, save the breeding animals trapped in puppy mills, and relieve pressure on county budgets and local tax payers.

## SUPPORT

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- Social Compassion in Legislation (Sponsor)
- Actors and Others for Animals



## FACT SHEET

AB 485 (O'Donnell and Dababneh)  
Pet Rescue and Adoption Act

- AGWC Rockin' Rescue
- Alley Cat Allies
- Alicia Pet Care Center
- All About the Animals
- Animal Hope and Wellness Foundation
- Animal Protection & Rescue League
- Animal Rescue Recon
- Animal Shelter Assistance Program
- Bunnies Urgently Needing Shelter
- California Animal Control Directors Association
- Camp Cocker Rescue
- CatPAWS
- City of Colton
- City of Long Beach
- Davey's Voice
- Dog Adoption & Welfare Group (DAWG)
- Fix Long Beach
- Friends of Long Beach Animals
- Golden State Humane Society
- Healthy Spot
- Fresno Humane Animal Services
- Lobby For Animals
- National Animal Rescue Coalition
- Passion for Paws Rescue, Inc.
- Peace for Animals
- Pet Assistance Foundation
- PETA
- Project Coyote
- RESQCATS, Inc.
- Rockin Pets Foundation
- Sacramento SPCA
- San Diego Humane Society
- San Diego House Rabbit Society
- Santa Cruz County Animal Shelter
- Shamrock Rescue Foundation
- Southland Collie Rescue, Inc.
- Spay Neuter Action Project
- Starfish Rescue
- START Rescue
- State Humane Association of California
- Tailwaggers Foundation
- Take Me Home Rescue
- The David Toro Foundation
- The Gentle Barn
- The Lucy Pet Foundation
- The Paw Project
- 200+ Individuals

## OPPOSITION

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- American Kennel Club
- California Retailers Association
- Cavalry Group
- Dog Owners of the Golden State
- English Cocker Spaniel Club of Southern California
- German Shepard Dog Club of America
- NAIA Trust
- Pet Industry Joint Advisory Council
- Shoreline Dog Fanciers of Orange County, Inc.
- The Animal Council (Unless Amended)
- 6 Individuals

## STAFF CONTACT

---

Christine Aurre  
Office: (916) 319-2070  
[christine.aurre@asm.ca.gov](mailto:christine.aurre@asm.ca.gov)

Diana Vu  
Office: (916) 319-2045  
[diana.vu@asm.ca.gov](mailto:diana.vu@asm.ca.gov)

**Kaitlyn Floyd**

---

**From:** Sandra Nance <sandynance@hotmail.com>  
**Sent:** Monday, April 22, 2019 2:47 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Pet stores all across OUR America are on the brunt end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

These groups have pushed for UNSUPPORTED regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Sandra Nance  
395 Sentell Loop  
Austin, AR 72007  
Email Address: sandynance@hotmail.com



**Kaitlyn Floyd**

---

**From:** Doug Terranova <txanimals@yahoo.com>  
**Sent:** Monday, April 22, 2019 6:34 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Doug Terranova  
6962 SFM 148  
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## Commissioners Agenda Comment Form

### Kitsap1

(360) 337-5777 or (800) 825-4940

[Kitsap1@co.kitsap.wa.us](mailto:Kitsap1@co.kitsap.wa.us)

**Meeting Date:**

4/22/2019

**Agenda Item #**

Hearing on pet purchase ban

**Subject:**

Banning Farmland Pets from selling dogs and cats

**Comment or Question:**

We have done business for Farmland for years. We have purchased two dogs, special breed that have been fine, no unusual issues. We have been to same vet for over 20 years, he has been associated with Farmland Pets for over 27 years. I talked with him today when taking dog to vet appointment. He and I agree, this proposed policy to ban Farmland from selling dogs and cats is not necessary. If you are willing to make allegations that the pets they get from breeders are not healthy or good animals, have you considered sending out an expert to the breeders they purchase these dogs and cats from to actually confirm the allegations your making are true? This seems like a show of "we are better than you" and "we care more about animals that you do". Also it seems you would like all of Kitsap County to have the same standards that Bainbridge Is. has. You need to pay attention to the decision made by our state legislators not to pursue a ban such as you propose. It is foolish, unfounded, and unnecessary.

**Name**

Dave Kimble

**Phone**

360-871-2007

**How would you like to be contacted?**

Email

**Email**

jndkimble@wavecable.com

**Street Address:**

2081 Randall Lane East, Port Orchard, Washington 98366

**Mailing Address (if different)**

Box 85, Manchester, Washington 98353

**Would you like to be contacted?**

Yes

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To: Kitsap County Commissioners  
From: Eric Stevens, Executive Director, Kitsap Humane Society  
Re: Proposed Ordinance Limiting the Retail Sale of Puppies and Kittens  
Date: April 22, 2019

On behalf of the many constituents of Kitsap Humane Society, we strongly support Kitsap County's proposed ordinance limiting the sale of animals bred and sold through puppy mills and other facilities where young animals are mass produced.

KHS is by far the largest animal welfare organization in Kitsap County. As the designated Animal Control authority for all local jurisdictions, we have legal responsibility for enforcing local animal ordinances and for taking in stray and surrendered domestic pets. This gives us some deep perspective on the plight of homeless pets within our community and beyond.

According to ASPCA (American Society for the Prevention of Cruelty to Animals), 6.5 million companion animals enter animal shelters every year. ASPCA estimates that 1.5 million shelter animals are euthanized each year due to local overpopulation and the lack of adequate resources to care for and adopt all those pets out. That equals over 4,000 animals euthanized every day in our country.

Although these statistics are primarily from shelters elsewhere, Kitsap County has its share of homeless pets. Each year, roughly 3,000 stray animals are brought to KHS and over 1,500 pets are surrendered by their owners. In recent years, due to strong community support, KHS has maintained a greater than 96% lives' saved rate and offer low-cost spay & neuter services to over 5,500 pets annually to help reduce animal overpopulation.

Despite this progress, homeless and abandoned pets remain a big issue. The breeding and selling of animals via puppy mills and large-scale breeding facilities through commercial pet and farm stores needlessly adds to pet overpopulation. Without puppy mills and puppies for sale in such stores, people could choose to adopt homeless pets from animal shelters like KHS and together, we could work to reduce the devastatingly high euthanasia rates.

If puppy mills went out of existence, and all prospective adopters were to adopt homeless pets from animals shelters like ours, we would greatly reduce the homeless pet population in our country and reduce the devastating high euthanasia rates that occur in some shelters nationally and regionally.

There are several other reasons why we support this ordinance:

- 1) Kitsap County taxpayers spend hundreds of thousands of dollars annually to help rescue and house homeless animals at Kitsap Humane Society through the initial “stray-hold period,” at the same time that puppy mills throughout the country continue to mass breed animals for profit.
- 2) There is no reasonable way that Kitsap County can verify conditions in out-of-state puppy mills that do sell or could sell animals to local pet stores. A local retail establishment can claim that such animals come from healthy breeders when that may not be the case, and it cannot be verified.
- 3) There IS extensive documentation available that many puppy mills house animals in overcrowded and unsanitary conditions without adequate food, water, socialization or veterinary care. The Humane Society of the United States (HSUS), which is independent of Kitsap Humane Society, has documented horrid conditions in many puppy mills around the country where hundreds or even thousands of puppies live in the tiniest of cages, go without medical treatment for observable medical conditions, and/or reside in extremely unsafe and unhealthy conditions. Some puppy mills have received warnings from the USDA for a lack of proper veterinary care.

Like with the evolution of many other social issues in our society, social morays and attitudes change over time. While animals are still legally defined as property, most of us think of our pets as members of our families. It is time to eliminate of mass production of domestic animals so that all animals may be raised more humanely.

Thank you for the opportunity to provide testimony on this important matter.

Sincerely,

**Eric Stevens**  
**Kitsap Humane Society | Executive Director**

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## Canine Review

# Behavioral and psychological outcomes for dogs sold as puppies through pet stores and/or born in commercial breeding establishments: Current knowledge and putative causes



Franklin D. McMillan\*

Best Friends Animal Society, Kanab, Utah, USA

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## ABSTRACT

A review of 7 published studies and 1 anecdotal report involving dogs born in high-volume commercial breeding establishments and sold to the consumer directly via the Internet or indirectly through retail pet stores revealed an increased incidence of behavioral and emotional problems that cause distress in adulthood compared with dogs from other sources, especially noncommercial breeders. The most consistent finding among studies is an increase in aggression, which is most commonly directed toward the dog's owners and family members but also to unfamiliar people, and other dogs. Increased fear was also identified in response to unfamiliar people, children, other dogs, nonsocial stimuli, and when taken on walks. Undesirable behaviors related to separation and/or attention seeking and a heightened sensitivity to touch have been reported. Because of how dogs sold through pet stores and/or born in commercial breeding establishments are bred, housed, weaned, transported, handled, homed, and raised, potential contributing factors for these reported outcomes are numerous. Some key factors include genetics, early-life stimulus deprivation (inadequate stimulus exposure, inappropriate or lack of social exposure), stress (prenatal maternal stress and postnatal early-life adversity), early weaning and maternal separation, transport and pet-store-related factors, and owner-related factors such as inadequate knowledge and experience with dogs as well as different levels of commitment to the pet dog. All published studies suggest a role for major stressors during puppy development from the prenatal stage through adolescence in the development of many behavioral problems. Accordingly, for any dog breeding operation, a standard of care that adequately redresses the welfare of the mother and pups and the risk of later behavior problems attendant with early stress and distress need to be formulated and followed in a manner supported by the emerging data.

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## Introduction

Events occurring in the early developmental stages of mammalian life beginning *in utero* can have profound and lifelong effects on an individual's psychological and behavioral characteristics (Sanchez et al., 2001; Lupien et al., 2009). Recent theory has suggested that changes induced *in utero* may have adaptive value

by preparing the newborn for the environmental challenges faced by the mother (Braastad, 1998). However, most experimental studies on nonhuman animals and clinical studies of humans suggest that *in utero* stress results in dysregulation of the hypothalamic-pituitary-adrenal (HPA) axis, dysfunction, and poor coping abilities. In companion animals, adverse changes that include increased fearfulness and emotionality, impaired adaptation to conditions of conflict or aversion, and cognitive alterations including learning deficits, and diminished attention span (Braastad, 1998; Huizink et al., 2004; Beydoun & Saftlas, 2008) would impair suitability of the animal to the new home environment. Behaviors in adult dogs that are undesirable, abnormal, unhealthy, or simply atypical for that particular age, sex, or breed have

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many causes (e.g., Scott & Fuller, 1965, pp. 110–112, 118; Fox & Stelzner, 1966; Slabbert & Rasa, 1993; Jagoe, 1994; Braastad et al., 1998; Serpell & Duffy, 2016).

Studies published during the past 23 years have suggested that dogs sold through pet stores and/or born in high-volume, commercial breeding establishments (CBEs) show an increased number of problem behaviors as adults. Most puppies sold by pet stores in the United States are purchased from brokers, who acquire their puppies from CBEs located throughout the United States (Hunte Corporation, 2016). A similar situation has been reported in Europe, where breeding operations in Hungary and Slovakia supply puppies for the continent (FOUR PAWS International, 2016). It should be noted that there are no scientifically validated, internationally recognized standards for such organizations. Conditions in the CBEs are reported to vary widely, ranging from relatively clean to squalid, noxious, and gravely detrimental to animal health and welfare (USDA, 2004; USDA, Office of Inspector General, 2010; Ferrari & Antonoli, 2016; USDA, 2016). CBEs are characterized by large numbers of dogs, maximal efficiency of space by housing dogs in or near the minimum space permitted by law, breeding dogs spending their entire reproductive lives in their cages or runs, group and solitary housing, dogs rarely if ever permitted out of their primary enclosures for exercise or play, no toys or enrichment, minimal-to-no positive human interaction/companionship, and inadequate health care. Commonly reported conditions present in many but not all CBEs include cage flooring made of wire mesh, accumulation of feces, ammonia odor, no windows and poor ventilation, inadequate protection from inclement weather and temperature extremes, insufficient or contaminated water and spoiled food, serious untreated medical conditions (e.g., advanced dental disease), extensive matting of hair, commonness and appearance of stereotypical behaviors, evidence of starvation, and presence of deceased adult dogs and puppies (USDA, 2004; USDA, Office of Inspector General, 2010; Ferrari & Antonoli, 2016; USDA, 2016).

De Meester et al. (2005) evaluated the conditions and practices in Belgian breeding kennels to determine whether they met the recommendations advocated in the scientific literature for separation of puppies from their mother and littermates (Slabbert & Rosa, 1993; Pierantoni et al., 2011; Overall, 2013, pp. 127–128) and exposure to various social and nonsocial stimuli (Melzack & Thompson, 1956; Melzack & Scott, 1957; Freedman et al., 1961; Scott & Fuller, 1965, pp. 101–108; Fuller & Clark, 1966; Fuller, 1967; Gazzano et al., 2008a). The investigators found both major and minor deviations from the recommended standards in the 48 kennels included in the study. Weaning frequently occurred when the puppies were too young, many puppies never left their kennel confinement and had little or no contact with unfamiliar humans, and puppies were often provided little visual, olfactory, and acoustic stimulation/enrichment or toys.

The aim of this review was to summarize the published data on the behaviors of dogs obtained from pet stores and/or born in CBEs, compared with dogs obtained from other sources, and to examine putative causes for common behavioral problems that have been identified as occurring disproportionately in pet store dogs.

## Results from studies

A total of 7 studies surveying populations of dogs in the United Kingdom (Jagoe, 1994; Casey et al., 2014; Gray et al., 2016), Australia (Bennett and Rohlf, 2007), Italy (Pierantoni et al., 2011; Pirrone et al., 2016), and the United States/internationally (McMillan et al., 2013) were identified. Key features of the studies are summarized in Table 1.

In a retrospective survey of 737 mature dogs, Jagoe (1994) investigated the relationship between early-life experience and

owner-reported behavior problems in adulthood. The dogs' owners completed a questionnaire that inquired about (1) the frequency with which the dog displayed any of 40 possible behavior problems; (2) the dog's early experiences and environment from birth to 16 weeks of age (e.g., details of any early health problems, time left alone as a puppy during the day, the puppy's age when acquired, source, its age at first vaccination, and the age when it was first taken out into public areas on a regular basis); and (3) the owners themselves and their household. There were 451 dogs with reported behavior problems and 286 dogs without reported behavior problems.

Twenty dogs (2.7%) were acquired from pet stores. When sources were compared, dogs obtained from pet shops were over-represented in the group of dogs with certain behavior problems, compared with those obtained from breeders, friends or relatives, or bred at home (Table 1). "Dominance-type" aggression (aggression directed toward people, especially the dog's owner and owner's family members) was more common among dogs acquired from pet stores (11/20; 55%), compared with animal shelters (34/129; 26.4%), found (15/43; 34.9%), breeders (119/394; 30.2%), friends or relatives (21/99; 21.2%), or bred at home (10/49; 20.4%,  $P = 0.02$ ). Pet store-acquired dogs also more often demonstrated social fears (fear of strangers, children, and unfamiliar dogs) compared with dogs from other sources (Table 1).

Bennett and Rohlf (2007) studied the frequency of potential problem behaviors reported by owners in a convenience sample of 413 companion dogs, 47 of which were obtained from pet stores. Scores calculated using a principal component analysis from the questionnaires yielded 5 behavioral subscales: "disobedient," "unfriendly/aggressive," "nervous," "anxious/destructive," and "excitable." Mean scores on the unfriendly/aggressive subscale were significantly higher for dogs obtained from pet stores (8.70) and animal shelters (7.83) compared with dogs obtained from breeders (5.61,  $P \leq 0.01$ ). Dogs obtained from pet stores had significantly higher mean scores on the "nervous" behavioral subscale than dogs who were home-bred (7.50 vs. 4.80,  $P \leq 0.05$ ). All sources of dogs had higher mean scores on the excitability subscale than home-bred dogs ( $P \leq 0.05$ ), and mean scores were not significantly different across sources for disobedience, anxious/destructive, or excessive barking subscales (Table 1).

Pierantoni et al. (2011) compared owner-reported behaviors of 70 adult dogs separated from their mother and littermates at 30–40 days of age and the behaviors of 70 adult dogs separated at 2 months of age. Overall, 71 dogs came from pet stores. Although the source of the dog was not directly associated with or a predictor for reports of specific problem behaviors, the frequency of certain behaviors (fearfulness on walks, aversion to strangers, destructiveness, excessive barking, attention-seeking behaviors, toy possessiveness, and play biting) among dogs separated from their mother and littermates at the earlier age was higher if they came from pet shops rather than from other sources (Table 1). For example, 80% of dogs separated early from litters and obtained from pet stores exhibited destructiveness more frequently compared to 20% of dogs not separated early.

McMillan et al. (2013) compared the owner-reported behavioral characteristics in dogs obtained as puppies from pet stores and dogs obtained as puppies from noncommercial breeders. Using the Canine Behavioral Assessment and Research Questionnaire (C-BARQ; Hsu & Serpell, 2003), 413 adult dogs obtained as puppies from pet stores were compared to 5,657 dogs obtained as puppies from noncommercial breeders. Results of multiple regression analyses revealed that dogs acquired from pet stores were in general more excitable ( $P < 0.001$ ), energetic ( $P = 0.043$ ), more attached/attention seeking ( $P < 0.001$ ), and less trainable ( $P < 0.001$ ) than dogs from breeders. Sexually intact pet store dogs were 3 times as

**Table 1**

Published reports involving dogs sold through pet stores and/or born in commercial breeding

Reference	Type of study and population	Sample size and source of dogs	Primary goal of the study	Outcomes	Findings relevant to pet stores and/or CBEs
Jagoë 1994	Retrospective survey of owner-reported behavior of dogs visiting behavior consultants in England and Wales; a random sample of dog owners in the area of Cambridge, United Kingdom; owners visiting any of 11 veterinary practices; and owners of dogs referred for medical reasons to the Cambridge University Veterinary Hospital	Total n = 737; BR, n = 394; F/R, n = 99; AS, n = 129; PS, n = 20; F/U, n = 43; HB, n = 49	Investigate variables associated with behavior problems	Data indicate the proportion of dogs from each source reported as having the behavior indicated and <i>P</i> -values for Pearson chi-square: "Dominance-type" aggression: BR, 119/394 (30.2%); F/R, 21/99 (21.2%); AS, 34/129 (26.4%); PS, 11/20 (55%); F/U, 15/43 (34.9%); HB, 10/49 (20.4%); <i>P</i> = 0.02	Owner-directed aggression and social fears (fear of strangers, children, and unfamiliar dogs) were significantly more prevalent than expected among dogs acquired from pet stores than dogs from other sources.
Bennett and Rohlf 2007	Cross-sectional survey of a convenience sample of dog owners recruited from pet stores and veterinary clinics in Australia	Total n = 413; BR, 50.1%; AS, 14.3%; PS, 11.4%; F/R, 10.7%; ST, 9.2%; HB, 2.4%	Ascertain the frequency of canine behavior problems and any association with demographic variables and other characteristics of dog-owner interaction	Data are scores on behavioral subscales, with higher scores indicating a greater perceived incidence of the behavior Unfriendly/aggressive (PS, 8.70, <i>P</i> < 0.01; BR, 5.61; AS, 7.83 <i>P</i> < 0.01); F/R, 7.75; HB, 8.20; ST, 5.84) (reference category is BR for <i>P</i> -values) Nervous (PS, 7.50, <i>P</i> < 0.05; BR, 5.49; AS, 6.18; F/R, 5.02; HB, 4.80; ST, 5.58) (reference category is SB for <i>P</i> -values) Excitable (PS, 3.81, <i>P</i> < 0.05; BR, 3.28, <i>P</i> < 0.05; AS, 3.58, <i>P</i> < 0.05; F/R, 3.64, <i>P</i> < 0.05; HB, 2.00; ST, 2.47, <i>P</i> < 0.05) (reference category is SB for <i>P</i> -values) Disobedience (NS across sources) Anxious/destructive (NS across sources) Barks excessively (NS across sources)	Dogs purchased from pet stores or shelters were considered by their owners to be more unfriendly or aggressive than were dogs purchased from breeders and significantly more nervous than dogs bred by the present owner.
Pierantoni et al. 2011	Retrospective telephone survey of dog owners in Italy recruited from veterinary practices	PS, n = 71 F/R, n = 47 BR, n = 22	Compare frequency of behaviors in dogs with early (30–40 days) versus late (60 days) separation from litter with source as a secondary outcome	Data indicate the proportion of responders from early separation (ES) versus nonearly separation (NES) groups indicating presence of the behavior only for dogs acquired from PS Destructiveness: 80% versus 20%, <i>P</i> = 0.017 Excessive barking: 78% versus 22%, <i>P</i> = 0.007 Toy possessiveness: 100% versus 0%, <i>P</i> = 0.000 Fearfulness on walks: 91% versus 9%, <i>P</i> = 0.001 Attention seeking: 71% versus 29%, <i>P</i> = 0.002 Aversion to strangers: 80% versus 20%, <i>P</i> = 0.005 Play biting: 87% versus 13%, <i>P</i> = 0.032 NS: Reactivity to noises, food possessiveness, stranger aggression, owner aggression, tail chasing, paw licking, shadow staring, pica, house soiling	Overall, the source of the dog was not significantly associated with the behavioral categories examined. Among dogs obtained from pet stores, those who had been separated from the litter earlier were more likely to exhibit fearfulness on walks, aversion to strangers, destructiveness, excessive barking, attention-seeking behaviors, toy possessiveness, and play biting.

McMillan et al. 2013	Cross-sectional Internet survey of a convenience sample of dog owners initially in the Philadelphia area and later without geographic restrictions using the C-BARQ	PS, n = 413; BR, n = 5,657	Compare the frequency of behaviors for dogs obtained from PS versus BR	<p>Data are OR [95% CI] for dogs from PS versus BR</p> <p>Owner-directed aggression (intact dogs): 3.13 [1.87; 5.23], <math>P &lt; 0.001</math></p> <p>Owner-directed aggression (neutered dogs): 1.54 [1.16; 2.06], <math>P = 0.003</math></p> <p>Dog-directed aggression: 1.96 [1.44; 2.67], <math>P &lt; 0.001</math></p> <p>Stranger-directed aggression: 1.59 [1.18; 2.16], <math>P = 0.003</math></p> <p>Dog rivalry: 1.35 [1.05; 1.74], <math>P = 0.021</math></p> <p>Dog-directed fear: 1.33 [1.03; 1.71], <math>P = 0.030</math></p> <p>Nonsocial fear: 1.44 [1.01; 2.07], <math>P = 0.047</math></p> <p>Separation-related behavior: 1.58 [1.19; 2.11], <math>P = 0.002</math></p> <p>Touch sensitivity: 1.58 [1.18; 2.11], <math>P = 0.002</math></p> <p>Escape behavior: 4.14 [1.75; 9.83]; <math>P = 0.001</math></p>	Pet store—obtained dogs were reported to exhibit significantly greater aggression toward owner and family members, unfamiliar people, and other dogs; greater fear of other dogs and nonsocial stimuli; greater separation-related problems and attention-seeking behavior, touch sensitivity, house soiling, escaping from the home, sexual mounting of people and objects, excitability, and lack of trainability.
Casey et al. 2014	Cross-sectional survey of a convenience sample of United Kingdom dog owners	BR, n = 2,189; AS, n = 765; F/R, n = 144; HB, n = 386; other including PS, n = 384	Investigate the number of dogs showing aggression to people and any relationship with co-occurring variables	<p>Data are adjusted OR [95% CI] for aggression toward members of the family or household versus dogs from breeders as the reference category</p> <p>AS, 2.638 [1.590; 4.376]</p> <p>HB, 0.224 [0.054; 0.934]</p> <p>F/R, 0.555 [0.132; 2.332]</p> <p>Other (incl PS) 1.786 [1.067; 3.299]</p>	Dogs acquired from “other” sources (which included pet stores and Internet sites) were 1.8 times as likely to show human-directed aggression as those obtained directly from breeders.
Pirrone et al. 2016	Cross-sectional Internet survey of a convenience sample of dog owners in Italy	PS, n = 173; BR, n = 349	Assess the frequency of potentially problematic behaviors in dogs acquired from pet stores versus official breeders	<p>Data are frequency of owner-assessed problem behaviors for dogs from pet stores versus official breeders, respectively.</p> <p>Separation-related behavior: 30% versus 17%, <math>P = 0.023</math>; OR [95% CI]: 1.997 [1.29; 3.532]</p> <p>House soiling: 15% versus 5%, <math>P = 0.0004</math>; OR 3.081 [1.398; 6.974]</p> <p>Body licking: 30% versus 14%, <math>P = 0.001</math>; OR 5.580 [1.440; 4.620]</p> <p>Owner-directed aggression: 21% versus 10%, <math>P = 0.009</math>; OR 2.396 [1.227; 4.678]</p> <p>NS: Destructiveness, excessive barking, fearfulness on walks, reactivity to noises, toy possessiveness, food possessiveness, attention seeking, aversion to strangers, stranger-directed aggression, dog-directed aggression, tail chasing, pica, or consumption of non—food-related objects</p>	After adjusting for potential confounders, dogs obtained from pet stores were twice as likely to exhibit aggressive behavior toward owners than those obtained from official breeders.

(continued on next page)

Table 1 (continued)

Reference	Type of study and population	Sample size and source of dogs	Primary goal of the study	Outcomes	Findings relevant to pet stores and/or CBEs
Gray et al. 2016 (Abstract)	Cross-sectional Internet survey of a convenience sample of owners using the C-BARQ of owners of 3 breeds of dogs (Chihuahua, n = 85; pug, n = 125; Jack Russell, n = 225) acquired in the United Kingdom	RBR n = 285; LRBR, n = 150	Compare owner-reported behaviors for 3 breeds of dogs	Data are median owner-reported scores on ordinal scale from C-BARQ (0, none; to 4, serious for intensity) and (0, never; to 4, always for frequency) on >100 behavioral questions for dogs from responsible versus less-responsible breeders, respectively. Chihuahua: Increased aggression toward familiar (0.3 vs. 0.8, $P = NS$ ) and unfamiliar dogs (1.3 vs. 1.5, $P = NS$ ), strangers (0.6 vs. 1.1, $P = NS$ ), and owner (0.0 vs. 0.3, $P < 0.05$ ); stranger-directed fear (1.3 vs. 1.5, $P < 0.05$ ); touch sensitivity (0.8 vs. 1.8, $P < 0.05$ ); separation anxiety (0.6 vs. 0.9, $P < 0.05$ ); chasing (1.1 vs. 2.1, $P < 0.05$ ). Pug: Fear of dogs (0.5 vs. 1.0, $P = NS$ ); fear of stranger (0 vs 0, $P = NS$ ); other fear 0.5 vs 0.9; separation anxiety (0.6 vs. 0.9, $P < 0.05$ ); familiar dog aggression (0.3 vs. 0.8, $P = NS$ ); excitability (2.0 vs. 2.3, $P < 0.05$ ); energy (2.0 vs. 2.8, $P < 0.05$ ). Jack Russell: Decreased trainability (2.5 vs. 2.1, $P < 0.05$ ).	Puppies from less-responsible breeders had less-favorable behavior traits as adults compared to puppies from responsible breeders

AS, animal shelter; BR, noncommercial or hobby breeder; C-BARQ, Canine Behavioral Assessment and Research Questionnaire; CBEs, commercial breeding establishments; CI, confidence interval; NR, not reported; NS, not statistically significant; CB, commercial breeder or puppy farm; F/R, friend or relative; F/U, found or unowned; HB, home bred; LRBR, less-responsible breeder; OR, odds ratio; PS, pet store; RBR, responsible breeder; ST, stray.

**Table 2**  
Comparison of results from [McMillan et al. \(2013\)](#) and [Pirrone et al. \(2016\)](#)

Factor differences as compared to noncommercial breeder-obtained dogs	Study A— <a href="#">McMillan et al. 2013</a>	Study B— <a href="#">Pirrone et al. 2016</a>
Elevated in both studies	Owner-directed aggression ↑	Owner-directed aggression ↑
Elevated in study A; elevated but with confounder in study B	Separation-related problems ↑	↔ (after correction for confounders)
Not assessed in study A; elevated but with confounder in study B	Most forms of house soiling ↑	↔ (after correction for confounders)
Elevated in study A; not elevated in study B	NA	↔ (after correction for confounders)
Elevated in study A; not elevated in study B	Stranger-directed aggression ↑	Stranger-directed aggression ↔
	Nonsocial fear ↑	Fearfulness on walks ↔
		Reactivity to noises ↔
		Attention-seeking behavior ↔
Elevated in study A; not assessed in study B	Attention-seeking behavior ↑	NA
	Dog-directed aggression (toward familiar and unfamiliar dogs) ↑	NA
	Fear of dogs ↑	NA
	Touch sensitivity ↑	NA
	Excitability ↑	NA
	Sexual mounting of people and objects ↑	NA
	Escaping from the home ↑	NA
	Less trainable ↑	NA
Not elevated in study A; not assessed in study B	Chasing ↔	NA
Not elevated in study A and study B	Stranger-directed fear ↔	Aversion to strangers ↔
Not assessed in study A; not elevated in study B	NA	Destructiveness ↔
	NA	Excessive barking ↔
	NA	Toy possessiveness ↔
	NA	Food possessiveness ↔
	NA	Tail chasing ↔
	NA	Pica or consumption of non-food-related objects ↔

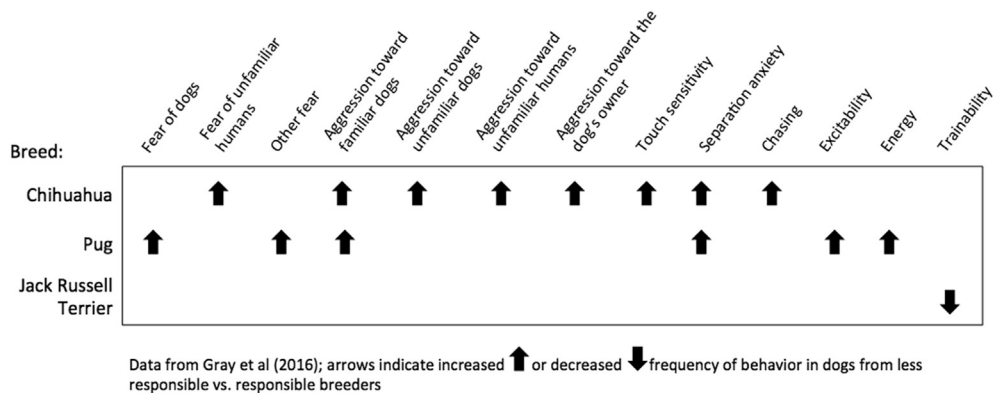
↑, elevated; ↔, no significant difference as compared to noncommercial breeder-obtained dogs; NA, not assessed.

likely to be reported showing owner-directed aggression as were sexually intact dogs acquired from breeders (odds ratio [95% confidence interval], 3.13 [1.87; 5.23];  $P < 0.001$ ), and pet store dogs were nearly twice as likely to be reported to have shown aggression toward unfamiliar dogs (dog-directed aggression) (odds ratio 1.96 [1.44; 2.67];  $P < 0.001$ ). Pet store dogs were also 30%–60% more likely to be reported to display stranger-directed aggression, dog-directed aggression, dog-directed fear, nonsocial fear, separation-related behaviors, escape behavior, and sensitivity to being touched (Table 1). Other behaviors reported more frequently in dogs from pet stores compared with breeders were sexual mounting of people and objects, most forms of house soiling (urination and defecation), and being less trainable (data not shown).

Using a cross-sectional convenience sample of United Kingdom dog owners, [Casey et al. \(2014\)](#) examined the demographic variables and risk factors associated with owner-reported aggressive behavior in dogs. The origin of the dog was a risk factor for aggression toward household members, with a 1.8 times increased risk of aggression toward family members in dogs from “other” sources (including pet shops) having an increased risk of aggression

toward family members as compared to those obtained directly from breeders (odds ratio [95% CI], 1.786 [1.067; 3.299]). Dogs from animal shelters were also more likely to show aggression to family members (odds ratio [95% CI], 2.638 [1.590; 4.376]).

[Pirrone et al. \(2016\)](#) conducted a study to compare owner-assessed potential problem behaviors in 2 groups of dogs: those obtained from pet shops and those obtained from official Italian breeders recognized by the Italian Kennel Club (E.N.C.I). Owners completed an online version of the Relazione Cane-Proprietario questionnaire, which collects information about the dog owners (age, gender, marital status, education, presence of children, locality of residence, presence of a house yard, and former dog ownership), their dogs (breed, size, age, sex, sexual status, age at acquisition, and source), and whether the dogs exhibited any of 16 common, problematic behaviors (separation-related behavior, destructiveness, excessive barking, fearfulness on walks, reactivity to noises, toy possessiveness, food possessiveness, attention seeking, aversion to strangers, stranger-directed aggression, owner-directed aggression, dog-directed aggression, tail chasing, body licking, pica or consumption of non-food-related objects, and house soiling). Of



**Figure 1.** Relative frequency of behavior problems in dogs from less-responsible breeders compared with dogs from responsible breeders for 3 breeds of dogs.



522 dogs in the study, 349 were acquired as puppies from breeders and 173 from pet shops. Dogs from pet stores were more likely than dogs from breeders to have a statistically significant increased risk for 4 behaviors compared with dogs acquired from breeders: owner-directed aggression (odds ratio [95% CI], 2.396 [1.227; 4.678]); separation-related behaviors (odds ratio [95% CI], 1.997 [1.29; 3.532]); house soiling (odds ratio [95% CI], 3.081 [1.398; 6.974]); and body licking (odds ratio [95% CI], 5.580 [1.440; 4.620]) (Table 1). Owner-related factors that also were important included no experience with past dogs, nonattendance at training courses, lack of awareness of the existence of veterinary behaviorists, and short daily walks, suggesting that source of dog is often confounded with knowledge, experience, and behavior of owner.

Of the 13 factors found elevated by McMillan et al. (2013), Pirrone et al. (2016) found 2 elevated but with confounders (house soiling, separation-related behavior), 3 not elevated (stranger-directed aggression, nonsocial fear, attention-seeking behavior), and 1 elevated with no confounder (owner-directed aggression) (Table 2). Seven factors found elevated by McMillan et al. were not evaluated by Pirrone et al. (dog-directed aggression, fear of dogs, touch sensitivity, excitability, sexual mounting of people and objects, escaping from the home, and poor trainability). The single finding consistent between the studies was that obtaining puppies from pet stores represents a risk factor for developing owner-directed aggression as adult dogs.

Gray et al. (2016) investigated differences in the behaviors of adult dogs based on the assumed quality of the breeding operation. The study focused on 3 popular breeds—Chihuahua, pug, and Jack Russell terrier. Using the C-BARQ, the authors supplemented the standard C-BARQ questions with 11 additional questions designed to categorize the source of the dog as either a “responsible” or “less-responsible” breeder. The criteria included specifics about the source (small breeder, pet store, puppy farm), whether the dam was personally seen by the purchaser and seen interacting with her puppies, whether the breeder appeared to be caring and responsible and showed concern for puppies and dams’ welfare, whether the puppies were in the breeder’s home, the suitability of the dogs’ housing, the number of litters available, whether health documents for the dogs and puppies were made available for review, and the age at which the puppy was purchased. The scoring of these factors formed the basis for classification into “responsible” or “less-responsible” breeder, where >3 concerns signified “less responsible.”

Analysis of the C-BARQ average scores (range 0–5) for each behavioral category (analyzed using Mann–Whitney *U* tests for nonnormally distributed data) showed less-favorable scores for dogs acquired from the less-responsible breeders (see Table 1; Figure 1). Chihuahuas acquired from less-responsible breeders (*n* = 50; responsible breeders *n* = 35) were reported to show more aggression toward familiar dogs (median 0.8; 0.3), unfamiliar dogs (median 1.5; 1.3), unfamiliar humans (median 1.1; 0.6), and their owners (median 0.3; 0\*). Additionally, Chihuahuas from less-responsible breeders showed more fear of unfamiliar humans (median 1.5; 1.3\*), sensitivity to touch (median 1.8; 0.8\*), separation-related behaviors (median 0.9; 0.6\*), and chasing (median 2.1; 1.1\*). Pugs from less-responsible breeders (responsible breeder: *n* = 85; less-responsible breeder: *n* = 40) were reported to show more fear of dogs (median 1.0; 0.5), other fear (median 1.0; 0.5), aggression toward familiar dogs (median 0.8; 0.3), separation-related behaviors (median 1.4; 0.5\*), and excitability (2.3; 2.0\*). Jack Russell terriers from less-responsible breeders (responsible breeder: *n* = 150; less-responsible breeder: *n* = 75) were reported to show a decrease in trainability as calculated through the C-BARQ score for this behavioral category (median 2.1; 2.5\*—a higher score for this category is

better, whereas for all other C-BARQ scores, a lower score is better). All results were significant at the *P* < 0.05 level, but only those marked \* remained statistically significant at the *P* < 0.05 level after Holm’s sequential Bonferroni adjustment was applied. The significant differences and the pattern of the remaining data do suggest that dogs from less-responsible breeders have a poorer behavioral profile for a companion animal (higher aggression and fear), reflecting poorer welfare (fear and separation anxiety).

If puppies were aged less than 8 weeks when purchased, they showed an increased likelihood of later exhibiting aggression and separation-related behaviors. In addition, dogs from breeders who had more than 1 litter to offer exhibited more fear and aggression in adulthood. Further research about specific behaviors and trajectories for behavioral development is needed, preferably using standardized, objective testing (e.g., Tiira and Lohi, 2014).

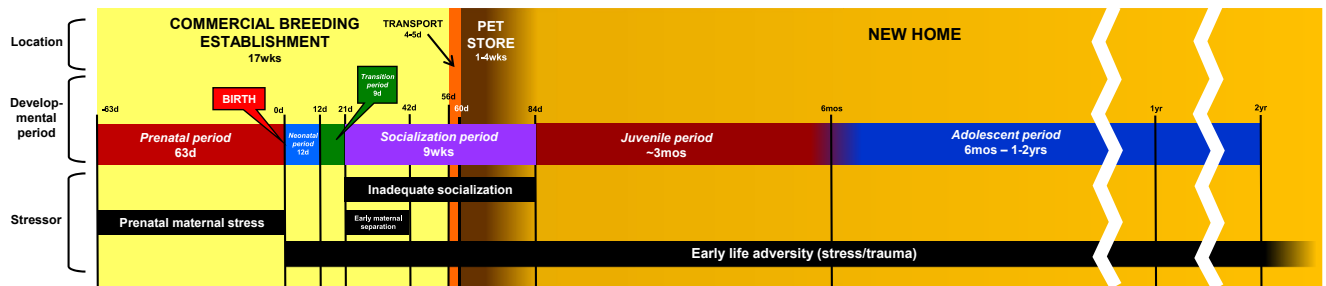
Finally, an anecdotally reported study presented in a book chapter described a sample of 1864 dogs exhibiting various behavioral problems found that 220 (approximately 12%) of the dogs displayed separation-related problems (Mugford, 1995). An analysis based on the source of the dog revealed that only 10% of purebred dogs obtained directly from breeders presented with separation-related problems, whereas “55% of purebred dogs originating from so-called ‘puppy farms’ or ‘puppy mills’” (p. 142) presented with such problems. It was not reported how it was determined that the dogs came from puppy farms or puppy mills.

## Potential causes

For a puppy sold from a pet store in the United States, the typical succession of events presumed to be involved in shaping its future behavior involves the following: (1) selection of sire and dam, which determines the genotype of the puppy; (2) development of the fetus *in utero*, which is affected by the experiences of the mother while living in the CBE (Braastad, 1998; Braastad et al., 1998; Beydoun & Saftlas, 2008); (3) life in the breeding facility from birth to (by law) a minimum age of 8 weeks (Federal Register, 2008), (4) removal of the puppy from the mother, littermates, and its home environment; (5) transport of puppy from breeding facility to broker/distributor, including handling such as veterinary examinations, vaccinations, dewormings, and grooming at the broker/distributor (Hunte Corporation, 2016) (in direct Internet sales, this and subsequent steps instead consist of shipment directly to the purchaser and new home); (6) transport from broker/distributor to pet store; (7) the pet store environment; (8) relocation to purchaser’s home; and (9) interactions with the home environment. During this series of events, the puppy is passing through 6 well-accepted periods of development: (1) the prenatal period (conception to birth); (2) the neonatal period (birth to 12 days); (3) the transition period (13–21 days); (4) the socialization period (3–12 weeks); and (5) the juvenile period (12 weeks to approx. 6 months); and (6) the adolescent period (approx. 6 months to 1–2 years) (Scott & Fuller, 1965, pp. 117–129) (Figure 2).

## Genetics

An animal’s adult behavioral phenotype is determined by the interaction between the individual’s genotype, experience, and developmental environment (Scott & Fuller, 1965, p. 293; Jacobs et al., 2004; Wilsson, 2016). Evidence supports a genetic component for psychobehavioral traits in dogs such as anxiety/fear, noise phobia, human aversion, obsessive-compulsive disorder, predatory behavior, and 2 types of aggression: impulse/control and conspecific (Murphree & Dykman, 1965; Overall & Dunham, 2002; Liinamo et al., 2007; Dodman et al., 2010; Pierantoni et al., 2011; Overall et al., 2016)—many of the behaviors demonstrated as



**Figure 2.** Chronology of developmental periods, living environment, and stressors in the United States. The age at which the puppies leave the breeding facility is often considerably earlier in other countries (and may also be earlier in the United States if there is not strict adherence to applicable law).

having a higher prevalence in CBE-produced dogs. Several literature reviews have been published, reporting ranges of heritability of behavioral traits in dogs varying from very low to very high; however, most reviews have found low or very low rates of heritability for most dog behaviors (Hall & Wynne, 2012; Overall et al., 2014; Hradecká et al., 2015). Genetics plays a role beyond the contribution to specific psychobehavioral characteristics, and there is compelling evidence from rodent and primate studies that the vulnerability for psychopathological outcomes from early-life trauma may be, at least in part, heritable. Studies in dogs (Foyer et al., 2013) and squirrel monkeys (Lyons et al., 1999) have demonstrated that the individual variability in coping and recovering from the aversive events has both a genetic and experiential component.

To the extent that genotype contributes to the development of adult behavioral phenotypes in dogs, the selection of dogs for breeding will influence such behavioral outcomes. It has been suggested by some authors that in high-volume CBEs, the pairing of sire and dam may occur with little regard for temperament (e.g., Lockwood, 1995; Bennett & Rohlf, 2007). A review of *The Kennel Spotlight*, the most widely read trade magazine for the high-volume commercial dog breeding industry, since 2007 revealed that no issue has included any information about selecting breeding pairs for temperament or behavioral traits or how to identify desirable temperament/behavioral traits in breeding dogs. The 1 pertinent article in this 10-year period—“Choosing Breeding Stock” by veterinarian Scott J. Gartner (2008)—discussed physical traits such as quality and length of hair coat, leg length, ear set, muscling, athleticism, and health (e.g., hernias, hip dysplasia, patella laxity, and heart murmurs) but did not mention of any traits related to temperament or behavior. That there is no valid, published industry standard for behavioral traits in puppies or breeding dogs is a concern.

### Development and stress

Physical and psychological experiences can have a profound effect, both positive and negative, on the developing organism (Scott & Fuller, 1965, pp. 110–112). A voluminous literature across many species has established that stress during the formative periods of neural development, from the prenatal stage through adolescence (Sterlemann et al., 2008; Serpell & Duffy, 2016), has a major influence on the ontogeny of behavior and that these effects are enduring and often lifelong (Lupien et al., 2009) (Figure 2). Indeed, a recent study (McMillan et al., 2011) on the mental health of dogs formerly used as breeding stock in CBEs found severe and long-lasting adverse effects on the behavior of dogs living in this type of environment. Other studies have shown that dogs living in confinement in kennels (Beerda et al., 1999a; Beerda et al., 1999b; Stephen & Ledger, 2005; Taylor & Mills, 2007), in animal shelters (Tuber et al., 1999; Wells et al., 2002), and in laboratories (Hughes et al., 1989; Hubrecht, 1993) may also experience a variety of

stressors. These stressors include spatial restriction (Beerda et al., 1999a; Beerda et al., 1999b; Wells et al., 2002), extreme temperatures (Morgan & Tromborg, 2007), aversive interactions with kennel staff (Morgan & Tromborg, 2007), lack of perceived control or the capacity to avoid or regulate exposure to aversive stimuli (Tuber et al., 1999; Wells et al., 2002; Stephen & Ledger, 2005; Taylor & Mills, 2007), and limited opportunities for positive human and conspecific social interactions (Hughes et al., 1989; Hubrecht, 1993; Beerda et al., 1999a), all of which have been documented in the CBE environment (USDA, 2016). In the following sections, the effect of particular stressors during key periods of puppy development will be examined.

### Prenatal experiences

Because of the sensitivity of the rapidly developing mammalian brain, physiological variations in the fetal environment caused by prenatal exposure to maternal stress—that is, stress experienced by a pregnant female—can have long-term consequences for psychological function which can manifest later in life in a wide range of pathological mental health and behavioral outcomes (Braastad, 1998; Huizink et al., 2004; Beydoun & Saftlas, 2008; Weinstock, 2008). These effects result largely from dysregulation of the HPA axis involving a decreased feedback inhibition of corticotropin-releasing hormone and prolonged elevation of plasma corticosteroids (Braastad, 1998; Weinstock, 2008).

Most research on the effects of prenatal experiences has been conducted in species other than canids. This work has demonstrated that maternal stress is associated with the following adverse effects among the offspring: impaired ability to cope with stress, maladaptive social behavior, increased fearfulness and emotionality, decreased exploratory behavior, impaired adaptation to conditions of conflict or aversion, latent inhibition (a model for schizophrenia and depression in human beings), and cognitive alterations including learning deficits and diminished attention span (Braastad, 1998; Huizink et al., 2004; Beydoun & Saftlas, 2008). Evidence of effects of prenatal stress in canid species is scarce. Braastad et al. (1998) studied the effects of prenatal maternal stress on the behavioral and hormonal development of offspring in blue foxes (*Alopex lagopus*). The stress treatment, conducted once daily during the last trimester of gestation (15 days), consisted of removing the pregnant female from her cage, holding her for 1 minute and then returning her to the cage. At 10 days of age, when compared to the young of unstressed mothers, the offspring of stressed mothers had elevated plasma levels of progesterone and cortisol as well as increased adrenal production of progesterone and cortisol, indicating enhanced HPA activity. When tested at 5 weeks of age in 3 tests for response to novelty, compared to control cubs, the prenatally stressed blue-fox cubs showed increased reactivity in all 3 tests: increased activity in an open field, more frequent reentry from a dark box into the open field, and more persistent activity when being held by a human (Braastad et al., 1998).

### Early-life experiences

Postnatal influences of environmental stimulation on later behavior begin in the first 12 days of life—the neonatal period. A certain amount of stress is desirable during this time. Mild stressors have positive effects on neural development and improve the animal's long-term ability to cope with stress (Parker et al., 2004). For example, in rats and squirrel monkeys, exposure to mild or moderate stress early in life can promote resilience to subsequent stressful episodes later in life (Lyons et al., 2010; Ashokan et al., 2016). In dogs, when newborn puppies were exposed to the stimulation of gentle handling and tested later, they were found to be more emotionally stable and exploratory than unstimulated control dogs (Gazzano et al., 2008a).

Despite the beneficial effects of mild stress during this period, there is a point at which stress becomes excessive and detrimental. Longitudinal research in humans shows that aversive and traumatic childhood experiences—or, early-life adversity (ELA)—impair mental and physical health into adulthood (Maccari et al., 2014; Nusslock & Miller, 2016). Studies in humans have identified ELA as a major risk factor for many serious adult mental health problems, such as unstable social relationships and anxiety and depressive mood disorders (Heim & Nemeroff, 2001; Breslau, 2002) as well as psychopathological outcomes, including post-traumatic stress disorder (PTSD), in response to a traumatic event later in life (Brewin et al., 2000; Koenen et al., 2002).

In nonhuman animals, accumulating evidence supports the thesis that ELA has extensive and enduring effects with strong correlations to the development of psychopathology later in life (Sanchez et al., 2001). In fact, the strongest evidence to date suggesting that stressful experiences in early life may cause permanent dysregulation of the HPA axis and multiple long-term behavioral abnormalities comes from animal studies (Ladd et al., 2000; Caldji et al., 2001). Several rodent and primate models of ELA, including those that model maternal separation or loss, abuse, neglect, and social deprivation, have demonstrated that early traumatic experiences are associated with long-term alterations in neuroendocrine responsiveness to stress, emotional and behavioral regulation, coping style, cognitive function, quality of social affiliations and relationships, and expression levels of CNS genes shown to be associated with anxiety and mood disorders (Sanchez et al., 2001; Cohen et al., 2006).

Animal studies focusing on the mechanisms of PTSD have further demonstrated how the long-term effects of ELA parallel those in humans. Rats exposed to trauma as juveniles were more vulnerable to adverse effects of fear conditioning (Cohen et al., 2007), showed decreased basal plasma corticosterone levels that paralleled effects observed in human PTSD patients (Diehl et al., 2007), and exhibited more severe PTSD-like behaviors when stressed in adulthood (Imanaka et al., 2006; Diehl et al., 2007).

Canine studies of the long-term effects of ELA are uncommon. Foyer et al. (2013) found that the environment and experiences during the first weeks of life has long-lasting effects on dogs' behavior in a stressful test situation encountered as adults. In their influential work on behavioral genetics in dogs, Scott and Fuller (1965, p. 118) wrote that the heightened sensitivity to positive environmental influences during the socialization period appears to be similarly sensitive to negative influences. These authors suggest that the sensitivity necessary to facilitate the formation of social relationships also seems to create a heightened vulnerability to permanent psychological trauma (Landsberg et al., 2013, p. 15). Subsequently, Fox and Stelzner (1966) were able to demonstrate a short period at approximately 8 weeks when puppies were hypersensitive to distressing psychological or physical stimuli, and during which a single unpleasant experience could produce long-term aversive or abnormal effects. They concluded that during

this brief period of puppyhood, dogs are particularly vulnerable to psychological trauma.

### Socialization period experiences

Following the neonatal and transition periods, the puppy enters what Scott and Fuller characterized as “the socialization period” (Scott & Fuller, 1965, pp. 89–108). This period—ranging from 3 weeks of age to around 12 weeks of age—is a time during which exposure to stimuli and social experiences has a proportionately greater effect on the formation of neural structures, temperament, and behavior than do events at other times in life (Freedman et al., 1961; Scott & Fuller, 1965, pp. 117–150; Overall, 2013, pp. 123–124; Serpell et al., 2016). During this “sensitive period,” healthy psychobehavioral development of puppies requires positive exposure to age-appropriate animate and inanimate stimuli, which prepares the dog for appropriate and flexible responses to those stimuli throughout life (Freedman et al., 1961; Scott & Fuller, 1965, pp. 101–108). Conversely, the consequences of inadequate exposure to varied stimuli include neophobic responses, hyperactivity, impaired social behavior and relationships, decreased exploratory behavior, and diminished learning ability (Melzack & Thompson, 1956; Melzack & Scott, 1957; Freedman et al., 1961; Scott & Fuller, 1965, pp. 101–108; Fuller & Clark, 1966; Fuller, 1967). Puppies with less than adequate early social experience are more likely to exhibit behavioral problems as adults, including aggression (Howell et al., 2015).

Some problem behaviors identified in dogs obtained from pet stores may be attributable to inadequate socialization during puppyhood (e.g., Jagoe, 1994; Mugford, 1995; Bennett & Rohlf, 2007; Serpell et al., 2016), possibly because some may keep dogs in an environment of social isolation during this critical period (O'Farrell, 1986, p. 105). In their study comparing the behaviors of dogs which were still owned by their breeder with behaviors of dogs which were acquired from a breeder and moved to a new home, Casey et al. (2014) found that the former group of dogs was 4.5 times less likely to show aggression to family members than the latter group. The authors suggested that this may be because the more closely the stimuli of the dogs' environment during socialization matched that in which they would live as adults, the more successfully the socialization experiences of these animals would prepare them for their adult environment. Considering that the stimuli in CBEs and pet stores are very dissimilar to that in the typical human home environment, the mismatch of stimuli encountered during the socialization period in these environments and those of adult life may be a major contributor to the behavioral differences observed in CBE-bred dogs. In addition to the broader neophobic responses seen in pet store—obtained dogs, more specific behaviors may also be traceable to inadequate stimulus exposure during the sensitive period. For example, the increased sensitivity to being touched (which includes being petted, picked up, held, and hugged) seen in dogs coming from pet stores (McMillan et al., 2013) and less-responsible breeders (Gray et al., 2016) might be caused by the puppy receiving too little of the normal physical contact with its mother and littermates as well as with humans. Just as for other stimuli to which the young animal is inadequately exposed, we could expect there to be an aversion to physical touch later in life.

The present review shows that aggression is the most prominent finding in studies involving dogs obtained from pet stores or directly from CBEs. In humans, van der Kolk et al (2005) reported that trauma that is prolonged, that first occurs at an early age, and that is of an interpersonal nature, can have significant effects on psychological functioning later in life, including affect dysregulation and aggression against self and others. In addition, the younger the age of onset of the trauma, the more likely one is to exhibit these psychological and behavioral changes.

### Weaning and early maternal separation

Another critical period in behavioral development is weaning. In nature, weaning of mammalian young is usually a relatively slow process, involving the gradual development of independence of the young from the mother's milk supply and associated maternal care (Scott & Fuller, 1965, p. 101). This stands in contrast with the typical situation in commercial dog breeding, where there occurs an abrupt separation of puppies from their mothers at an age when the young are still suckling frequently and the bond is strong (Newberry & Swanson, 2008). As a stressor, early maternal separation appears to involve at least 3 different processes detrimental to the behavioral development of the young animal and resulting in atypical adult behavior: (1) separation, especially at an age before the natural age of weaning, is itself stressful/traumatic (Slabbert & Rasa, 1993; Panksepp, 1998, p. 166); (2) the stress induced by separation may impair the individual's ability to cope with additional stressors (Slabbert & Rasa, 1993), which is exacerbated when the puppy loses the stress buffering effects of not only its mother but also its littermates and home environment (Newberry & Swanson, 2008); and (3) early separation decreases exposure to stimuli and feedback necessary for the learning associated with the development of acceptable behavior (Overall, 2013, pp. 127–128).

Several studies in different noncanid species (mice, Kikusui et al., 2006; rodents, Kikusui et al., 2004, pigs, Yuan et al., 2004; adult rats, Janus, 1987; Shimozuru et al., 2007; Kikusui et al., 2007; Nakamura et al., 2008; Ito et al., 2006) have demonstrated long-term neurochemical, psychological, and behavioral consequences from early maternal separation, or weaning, where weaning is defined here as a complete severance of the bond between the mother and her offspring, which includes physical separation from the mother, the cessation of suckling, and the cessation of social protection by the mother (Kikusui & Mori, 2009).

Two studies have examined the effects of early maternal separation in dogs. Slabbert and Rosa (1993) compared the physical and psychological developmental effects of early (6 weeks) and late (12 weeks) separation from the mother in dogs, with emphasis on the measurements of temperament and socialization to humans. They found that maternal separation at 6 weeks of age resulted in more distress vocalizations as well as greater weight loss, illness, and mortality in the puppies, which persisted until the age of 6 months. The authors concluded that puppies benefit from prolonged (12 weeks) contact with their mothers and that the common practice among commercial dog breeders of "forced weaning" at a young age results in unacceptable levels of stress for the puppies, the effects of which last well beyond the time of maternal separation. Pierantoni et al. (2011) compared the frequency of behaviors in dogs separated from the litter for adoption at 30–40 days of age and those that had been separated at 60 days. Their findings showed that dogs removed from their litter at the earlier age had a significantly higher frequency of destructive behavior and toy and food possessiveness, were 15 times more likely to exhibit fearfulness on walks, 7 times more likely to show attention-seeking behavior and noise reactivity, and 6 times more likely to bark excessively than dogs that stayed with their mother and littermates until 60 days. Particularly germane to the present discussion, these results were more pronounced if the puppy was obtained from a pet store.

Early separation from the mother and littermates also appears to have consequences for behavior in the adult dog by limiting exposure to stimuli and feedback necessary for the learning associated with the development of acceptable behavior (Overall, 2013, pp. 127–128). When puppies remain with their mother and littermates during the socialization period, their behavioral development is shaped by the learning experiences of observing others' behavior as well as receiving others' feedback in response to their

own behaviors (De Meester et al., 2005; Pierantoni et al., 2011). For example, observing the behavior of the mother can passively teach puppies certain skills (Slabbert & Rasa, 1997). In addition, play fighting with their mother and littermates allows puppies to explore and learn the boundaries of acceptable behavior, including bite inhibition (Bekoff, 2001; Bekoff, 2004; De Meester et al., 2005). Much of this learning may be curtailed when puppies are separated from their mother and siblings early in the socialization period, resulting in abnormal behavioral development (De Meester et al., 2005).

The stress of maternal separation is potentially severe by itself but may be compounded when, as in the case of CBE puppies, offspring are abruptly separated from all other familiar stimuli which would otherwise act as a buffer against the stress of maternal separation, as well as against stressors encountered in the days following maternal separation (Newberry & Swanson, 2008). Although studies distinguishing the effects of separation from the mother and the effects of separation from littermates and/or the rearing environment are lacking in dogs, research in other species illustrates this phenomenon (piglets, Puppe et al., 1997; guinea pigs, Pettijohn, 1979; and lambs, Porter et al., 1995).

A final point to keep in mind is that maternal separation even at normal weaning age can affect behavior of the puppy. For example, in the study mentioned earlier by Fox and Stelzner (1966), it was found that traumatic events (e.g., electric shock) experienced by 8- to 9-week-old puppies in the absence of the mother causes long-lasting fear responses. Mogi et al. (2011) commented that these observations have led to the periweaning period of 6–8 weeks after birth now being considered as the peak of the "sensitive period" in dogs and that maternal separation of canine pups around this period may therefore increase the chances of developing behavioral problems in adulthood. This observation may have crucial implications for the common practice among commercial breeders of sending puppies away for sale at around 8 weeks of age.

Various guidelines, regulations, and laws govern the minimum age when puppies may be removed from their mothers to leave the breeding facility. In the United States, the Animal Welfare Act stipulates that puppies, except those sold to research facilities, may not be transported until they are at least 8 weeks of age and have been weaned (Federal Register, 2008). Adherence to these regulations is difficult to confirm, but evidence from other countries shows that puppies are often separated from their mother and littermates much earlier than 8 weeks of age. For example, an investigation by the Daily Mirror (United Kingdom) found that dogs as young as 5 weeks were being purchased from breeders in Hungary for shipment to the United Kingdom for sale (Sommerlad, 2015). De Meester et al. (2005) surveyed 48 Belgian dog breeders and found that the weaning age varied from between 4 and 12 weeks of age.

### Transport and store-related experience

Puppies born in CBEs face a succession of stressors—those in the CBE environment (as described previously) and then those inherent in the stepwise transition from the breeding facility to the ultimate owner's home (Gaultier et al., 2008, 2009). In particular, transport-related stress has been suggested to be an influential factor in the early lives of puppies from CBEs (Mugford, 1995; Bennett & Rohlf, 2007). Stressors within the pet store environment are further along the continuum of stressors experienced by dogs bred in CBEs. These stressors include multisensory (sight, sounds, smell) exposure to unfamiliar humans including the handling by store employees and prospective buyers, unfamiliar dogs, and animals of other species.

Gaultier et al. (2008, 2009) described how puppies in pet stores may have been subjected to a series of potentially traumatic events,

including repeated rehoming, and inadequate efforts may be made to ease the transition or to minimize any adverse effects (Plujmakers et al., 2006).

Although some dogs arriving in pet stores may be sold quickly and at a comparatively young age, others may be in residence for a more extended period during which stressors can continue to have an adverse, cumulative effect. Serpell and Duffy (2016) evaluated the behaviors of young adult guide dogs, as because of their very structured upbringing, these dogs have well-documented histories regarding stressors and other environmental factors, thus adding credibility to any associations identified between stressors and behavior. Results of their study showed that particular frightening or traumatic events during the puppy-raising period (2–14 months of age) were associated with differences in scores for a number of behaviors. Specifically, puppies that were reported as having been attacked or threatened by another (unfamiliar) dog, when compared to puppies not having this experience, scored significantly higher for fear of dogs and aggression toward unfamiliar humans at 12 months of age. When the trauma involved being frightened by a familiar or unfamiliar person, the dogs exhibited significantly higher levels of fear toward unfamiliar persons and were reported as being less trainable. The authors concluded that puppies and young dogs are sensitive to aversive experiences long after the ostensible end of the socialization period (i.e., 12 weeks) and that such encounters may have long-term negative consequences for behavior. This would also apply to a puppy's experience in the new home after sale.

Canine behavior experts as well as regulatory authorities in various countries either recommend or require that entities rehoming dogs make some attempt to educate owners and/or endeavor to help them select a dog that appears to be suited to their lifestyles (Troughton, 2015; American Kennel Club, 2016; Pirrone et al., 2016). This remains a highly subjective process with no clear standards. However, 2 studies have demonstrated the benefits of educating owners on canine care and behavior. Gazzano et al. (2008b) showed that dogs will exhibit fewer problematic behaviors if the owners receive advice for proper management of their new pet. Herron et al. (2007) found that simply providing a few minutes of preadoption counseling on housetraining improved the success of adoptions of dogs from shelters. To the extent that owner counseling and lifestyle matching is important for the future success of the adoption and well-being of the dog, owners who purchase a puppy from a pet store may be at a disadvantage with respect to understanding normal dog behavior and breed-specific needs, compared to owners who purchase a purebred dog from a noncommercial breeder. The latter is likely to be someone who has raised numerous dogs of that breed to adulthood, whereas an employee in a retail pet store is unlikely to have that degree of knowledge, experience, or the time for follow-up with new owners.

## Limitations

The studies forming the basis of this review had numerous limitations which must be taken into account. First, the data were mostly retrospective or cross-sectional in nature, and thus, the causality of any associations identified remains to be established. Most of the people responding were from various convenience samples of dog owners (e.g., Internet sites, veterinary clinics). Thus, the representativeness of the samples is difficult to ascertain. The sources of dogs were not consistent across all studies, and in some cases, the number of dogs from pet stores was small relative to the number of dogs from other sources. The number and type of behaviors evaluated, as well as the definition of those behaviors, also were not consistent across studies, and the behavioral outcomes

summarized relied primarily on owner reports of various behaviors or owner-provided scores on the C-BARQ.

Although the focus of this review was to explain how conditions in CBEs and pet stores could have a causal association with certain types of problematic behaviors in dogs, dogs' experiences in the new home after purchase could also contribute to the perceived frequency and/or severity of certain behavior problems. None of the studies was able to adequately assess or control for confounding due to factors such as owner commitment, or diverse differences in the home environment.

## Summary

Taken as a whole, the data from 7 published studies using surveys of dog owners suggest that dogs sold through pet stores and/or born in high-volume CBEs have an increased frequency of a variety of undesirable adulthood behaviors compared with dogs from other sources, particularly noncommercial breeders. The most common finding (6 of 7 reports, or 86%) was an increase in aggression directed toward the dog's owners and family members, unfamiliar people (strangers), and other dogs. The most consistent type of increased aggression found, as reported in 5 studies (Jagoe, 1994; McMillan et al., 2013; Casey et al., 2014; Gray et al., 2016; Pirrone et al., 2016), was aggression toward owners and family members. The other characteristic found in multiple studies was increased fear (Jagoe, 1994; Pierantoni et al., 2011; McMillan et al., 2013; Gray et al., 2016), which was in response to strangers, children, other dogs, nonsocial stimuli, and being taken on walks. Increased fear of other dogs was reported in 3 of 4 (75%) studies finding increased levels of fear (Jagoe, 1994; McMillan et al., 2013; Gray et al., 2016). Behaviors related to separation and/or attention seeking were reported increased in 3 studies (Pierantoni et al., 2011; McMillan et al., 2013; Gray et al., 2016) and 1 anecdotal report (Mugford, 1995). Heightened sensitivity to touch was reported in 2 studies (McMillan et al., 2013; Gray et al., 2016). Only 1 study examined behaviors based on breed (Gray et al., 2016), and results for those 3 breeds (Chihuahua, pug, Jack Russell terrier) suggested that substantial variation in behaviors among breeds may exist, at least for dogs originating from less responsible breeding operations.

It is important to emphasize that all of the findings thus far reported are correlational in nature, not permitting a determination of causation. Furthermore, because of how dogs sold through pet stores and/or born in CBEs are bred, housed, weaned, transported, handled, and homed, the number of potential causes for the observed behavioral outcomes is large. However, based on even a few of the known stressors inherent in commercial dog breeding practices (e.g., prenatal maternal stress, ELA, and poor socialization), a plausible argument consistent with known behavior theory can be made to explain why dogs raised in these environments may have an increased frequency of certain behavior problems.

Despite the fact that pinpointing specific causes is not possible due to the high number of stress-related factors potentially contributing to behavioral development, it is clear that one crucial corrective measure is for stressors to be substantially reduced at all stages of the puppy's development. Reduction of stressors that contribute to long-lasting behavioral and emotional distress should begin at the prenatal stage and extend throughout adolescence. Measures to reduce such stress include provisioning of housing conducive to a good quality of life for the adult breeding dogs as well as the puppies, and gradual weaning of the puppies. A high-quality social and stimulus exposure program should be instituted for puppies beginning no later than 3 weeks of age and continue through the end of the socialization period—during which the puppy will pass through the hands of the breeder, the pet store staff, and the new owner—at 12–16 weeks. To reduce maternal

contributions to problematic behavioral development, dams should also be exposed to such programs. High-quality, life-stage nutrition will facilitate the contribution of these measures to neurodevelopment. These measures are essential to avoid the development of problem behaviors in adult dogs.

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### Ethical considerations

No approval was required for this work.

### Conflict of interest

The author declares that no conflict of interest exists in which the author or author's organization has a financial, personal, or other relationship with other people or organizations that could inappropriately influence, or be perceived to influence, the author's work.

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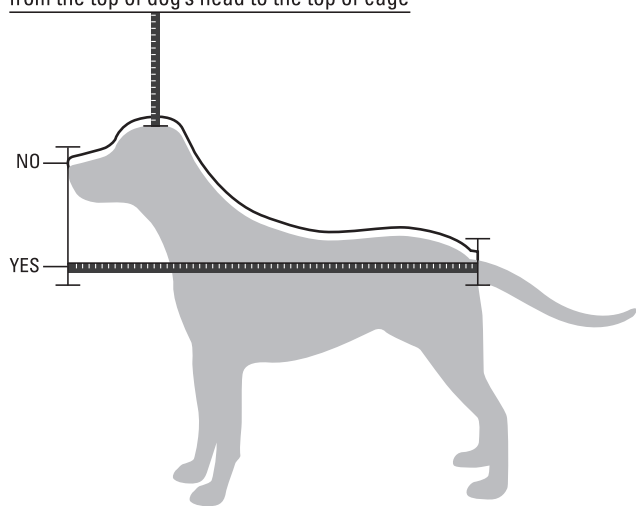
# Minimum Space Requirements for Dogs

The Animal Welfare Act Regulations require that primary enclosures for adult dogs without nursing puppies or weaned puppies must have adequate space to allow the dogs to turn about freely, to stand, sit and lie in a comfortable, normal position and to walk in a normal manner. 9 CFR 3.6(a)(2)(xi) Additionally, the interior height of the primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure, measured when the dog is standing in a normal comfortable standing position. 9 CFR 3.6(c)(1)(iii)

## Measuring the Length of a Dog

With the dog in a normal standing position, or with the dog held lying flat on its side, measure the dog along a straight line from the tip of the nose to the base of the tail. Do not follow the contours of the dog's body when measuring the length of the dog.

There must be a minimum space of 6 inches from the top of dog's head to the top of cage



This table below provides a guide to the minimum space needed for dogs based on body length

Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed
7	1.17	19	4.34	31	9.51
8	1.36	20	4.69	32	10.03
9	1.56	21	5.06	33	10.56
10	1.78	22	5.44	34	11.11
11	2.01	23	5.84	36	12.25
12	2.25	24	6.25	38	13.44
13	2.51	25	6.67	40	14.69
14	2.78	26	7.11	42	16.00
15	3.06	27	7.56	44	17.36
16	3.36	28	8.03	46	18.78
17	3.67	29	8.51	48	20.25
18	4.00	30	9.00		

## Calculating Minimum Space Requirements 9 CFR 3.6(c)(1)(i)

The following is an example of how to calculate minimum space requirements. Scout is a female Dalmatian. She is 31 inches long from the tip of her nose to the base of the tail.

**Step 1: Measure the length of the dog from tip of nose to base of tail (inches). Add 6 inches to this number.**

$$31 \text{ inches} + 6 \text{ inches} = 37 \text{ inches}$$

**Step 2: Calculate minimum floor space in square inches.**

$$37 \text{ inches} \times 37 \text{ inches} = 1369 \text{ square inches} \text{ minimum required amount of floor space in square inches}$$

**Step 3: Calculate minimum floor space in square feet.**

$$\frac{1369 \text{ square inches}}{144} = 9.51 \text{ square feet} \text{ minimum floor space in square feet}$$

\*\* The total floor space for animals in group housing must meet or exceed each dog's individual minimum space requirement.



## Special Requirements for Dams with Nursing Puppies

The additional space required for dams with nursing puppies is determined by the dog's breed and behavioral characteristics, the veterinarian's approval and the minimum space requirement calculation. 9 CFR 3.6(c)(1)(ii) Each puppy requires a minimum of 5% of the dam's minimum space requirement.

Example: Scout has a litter of 9 puppies. Scout is 31" from the tip of her nose to the base of her tail. Calculate the minimum amount of space they require.

---

### Step 1: Calculate dam's minimum space requirement in square inches.

$$(31 \text{ inches} + 6) \times (31 \text{ inches} + 6) = 1369 \text{ inches}$$

---

### Step 2: Calculate additional minimum floor space per puppy.

$$1369 \text{ square inches} \times 0.05 = 68.45 \text{ square inches}$$
 Scout's puppies each need 68.45 square inches of space

---

### Step 3: Multiply additional floor space per puppy by number of puppies.

$$68.45 \text{ square inches} \times 9 \text{ puppies} = 616.05 \text{ square inches}$$
 minimum amount of additional floor space for all 9 puppies

---

### Step 4: Calculate minimum space requirement in square inches. Add Scout's space requirements to the space requirement for the puppies

$$1369 \text{ square inches} + 616.05 \text{ square inches} = 1985.05 \text{ square inches}$$
 total minimum space requirement in square inches: Scout and her puppies need 1985.05 square inches of space

---

### Step 5: Calculate space required in square feet.

$$\frac{1985.05 \text{ square inches}}{144} = 13.79 \text{ square feet}$$
 total minimum space in square feet: Scout and her puppies need 13.79 square feet of space

If the available floor space does not meet the minimum amount calculated, then the housing must be approved by the APHIS administrator. 9 CFR 3.6(c)(1)(ii)

## Note: The Exercise Requirement for dogs (9CFR 3.8) includes some floor space requirements.

If the enclosure meets the floor space requirements for group housed dogs, the enclosure is in compliance with the exercise requirement of Section 3.8

Singly housed dogs must be provided with twice the floor space required by Section 3.6 (c)(1), unless other opportunities for exercise are planned and documented in a written exercise plan as described in Section 3.8.

Exercise requirements do not apply to dams with nursing puppies or to dogs under 12 weeks of age.



**United States Department of Agriculture  
Marketing and Regulatory Programs  
Animal and Plant Health Inspection Service**

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**Petition for Rulemaking of**

THE HUMANE SOCIETY OF THE UNITED STATES,  
HUMANE SOCIETY VETERINARY MEDICAL ASSOCIATION, and  
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

*Petitioners,*

**to**

THE HONORABLE TOM VILSACK, SECRETARY  
UNITED STATES DEPARTMENT OF AGRICULTURE and  
EDWARD M. AVALOS, UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

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# **Petition to the United States Department of Agriculture for Rulemaking under the Animal Welfare Act to Increase Minimum Standards at Commercial Dog Breeding Facilities**

## **I. INTRODUCTION AND NECESSITY OF REGULATION UNDER AWA**

This Petition is submitted to the United States Department of Agriculture (“USDA,” “Department,” or “Agency”) and its Animal and Plant Health Inspection Service (“APHIS”) on behalf of the Humane Society of the United States (“HSUS”), the Humane Society Veterinary Medical Association (“HSVMA”), and the American Society for the Prevention of Cruelty to Animals (“ASPCA”) (collectively, “Petitioners”) to request necessary enhancements to existing regulatory restrictions on the inhumane treatment of dogs living in dealer<sup>1</sup> housing facilities.<sup>2</sup>

The Animal Welfare Act, 7 U.S.C. §§ 2131 et seq., (“AWA” or “Act”) requires that minimum standards of care and treatment be provided for dogs bred for commercial sale. The Act requires the USDA to promulgate and enforce regulations to ensure the humane treatment of these animals. To satisfy the Department’s obligations under the AWA, additional and amended regulations are necessary at this time. In particular, new regulations are needed with regard to (1) the physical conditions at commercial breeding facilities, including the size, stacking, and flooring of primary enclosures<sup>3</sup> (pens and cages) and temperatures inside; and (2) canine health

<sup>1</sup> A “dealer” is defined as:

any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: . . . any dog at the wholesale level for hunting, security, or breeding purposes. This term does not include: A retail pet store . . .; any retail outlet where dogs are sold for hunting, breeding, or security purposes; or any person who does not sell or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals other than wild or exotic animals, dogs, or cats during any calendar year.

9 C.F.R. § 1.1 (2015).

<sup>2</sup> A “housing facility” is defined as “any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.” *Id.*

<sup>3</sup> A “primary enclosure” is defined as “any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch.” *Id.*

and welfare in commercial breeding facilities, including access to exercise areas, socialization, breeding practices, preventive care, grooming, access to potable water, and treatment of retired dogs. Proposed regulations to address these issues are attached hereto as Exhibit A and discussed in detail below. A survey commissioned by the ASPCA, attached hereto as Exhibit K, shows that a large majority of Americans believe that stronger standards of care, such as the ones proposed in this Petition, are necessary to ensure the humane treatment of dogs in commercial breeding facilities.

The current USDA regulations do not adequately protect dogs from harmful breeding practices. Approximately 100,000 dogs are kept solely for breeding purposes in large USDA-licensed dealer facilities, referred to in this Petition as commercial breeding facilities.<sup>4</sup> Many of these dogs spend their years living in filthy and crowded primary enclosures (cages or other structures used to restrict the dogs to a limited amount of space) with little thought given to their physical health and psychological well-being. Specifically, dogs in commercial breeding facilities often must live in objectively harmful conditions that nonetheless comply with current regulations:

- Wire flooring in their primary enclosures. Many commercial breeding facilities house their dogs in primary enclosures with wire or gridded flooring. This type of flooring can cause severe physical and emotional distress for dogs who spend the vast majority of the day—often their entire day—locked in their cages, as the majority of dogs at commercial breeding facilities are forced to do. We propose a requirement that the dogs’ primary enclosures have solid or slatted floors, and that they may have plastic-coated wire flooring (e.g., Tenderfoot) only if that type of flooring covers space that *exceeds* the minimum mandatory space allotment for each dog in the enclosure.

<sup>4</sup> See ASPCA, Economic Impact of Enhanced Veterinary Care Requirements for Commercial Dog Breeders Regulated under the Animal Welfare Act (2015) (Exhibit J) [hereinafter ASPCA, Economic Impact Analysis (Exhibit J)]; Humane Soc’y, *Puppy Mills: Facts and Figures* (2014), [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/puppy-mills-facts-figures.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy-mills-facts-figures.pdf). The recently passed Retail Pet Store Rule expanded the reach of the breeding regulations, making reform of those regulations even more necessary and potentially even more effective. See also Animal Welfare; Retail Pet Stores and Licensing Exemptions, 78 Fed. Reg. 57,227 (Sept. 18, 2013) (amending 9 C.F.R. §§ 1.1, 2.1).

- Primary enclosure size. Currently, dogs can be kept in small cages for their entire lives, or are packed in enclosures with other dogs. Scientific understanding of dogs' needs has grown, and it is clear they need larger enclosures to stay healthy mentally and physically. We propose a requirement that the dogs' primary enclosures be at least two times the currently mandated enclosure size.
- Stacked primary enclosures. Many dealers stack their primary enclosures to maximize the number of breeding dogs they can contain in a facility. However, stacking can prevent proper air flow, block light, make cages difficult to clean, hinder or eliminate access to exercise areas, and limit operators' ability to monitor and access the dogs. Moreover, stacking encourages overcrowding, which can lead to the rapid transmission of disease especially in poorly ventilated facilities. In some cases, stacking allows feces, urine, and other filth from higher cages to fall onto the dogs in the lower enclosures. We propose a prohibition on the stacking of primary enclosures.
- Temperature regulation. Under current regulations, dogs kept inside or in sheltered facilities only need to be protected from extreme temperatures, and actually allow temperatures to fall below 45 or rise over 85 °F for up to four hours at a time. These regulations allow for dogs to be kept under extreme temperatures for prolonged periods of time, to the detriment of their health. We propose that the four-hour rule be eliminated and that temperatures be required to simply be kept between 45 or 50 °F (depending on the dog breed) and 85 °F.
- Inhumane breeding practices and unlicensed practice of veterinary medicine. Dealers often breed their female dogs as early and often as possible to maximize their number of puppies and consequently their profits. This almost constant breeding, especially starting at young ages, can be detrimental to the dogs' health. Dealers frequently fail to screen their dogs for hereditary disorders, resulting in generations of dogs with unchecked hereditary defects that can cause painful lives and early death. Some inhumane, commercial breeding facilities allow personnel without veterinary training to perform surgical births, despite existing prohibitions under some state laws. Such surgeries can lead to severe pain, infections, and death. To address these harmful breeding practices, we propose: (1) a limitation on how often a female dog may be bred; (2) a minimum breeding age specific to the breed or size of the dog; (3) a reasonable screening program for known inheritable defects and a prohibition on breeding dogs that are known to have significant inheritable or other potentially disabling health defects; (4) a requirement that surgical births and other surgical procedures be performed by licensed veterinarians; and

(5) a requirement that female dogs are examined on a regular basis for conditions that could be exacerbated by breeding.<sup>5</sup>

- A lack of preventive care. Dogs are susceptible to a multitude of highly infectious deadly diseases, many of which can be easily prevented by vaccines and other preventive measures.<sup>6</sup> Because current law does not require all advisable vaccinations, many dealers elect not to vaccinate. We propose a requirement for adequate health and preventive care for dogs in commercial breeding facilities. This should include an annual, hands-on examination for each breeding dog, all vaccinations recommended by the most current version of the AAHA Canine Vaccination Guidelines, as well as preventive medication for heartworm disease, intestinal parasites, and flea and tick control.
- A lack of grooming. Dogs in some high-volume commercial breeding facilities are rarely – if ever – bathed or groomed. Without proper grooming, certain breeds of dog can face overheating and serious risks to the health of their skin, fur, and feet.<sup>7</sup> The lack of grooming can even limit their ability to see and move. We propose a requirement that all dogs receive grooming, including nail trimming and dental care, at least twice a year.
- A lack of exercise and socialization. Dogs spending their lives in commercial breeding facilities are often deprived of any time outside of their primary enclosures for opportunities to exercise, play, or interact with humans or other compatible dogs. Yet studies prove that a lack of exercise and positive socialization can cause significant physical, emotional, and behavioral problems. We propose requirements that dogs have unfettered access to exercise areas and meaningful daily socialization with humans and compatible dogs, subject to limited exceptions.
- Inhumane treatment of retired dogs. Commercial breeding facilities often inhumanely euthanize or abandon their dogs that are no longer able to reproduce and thus bring them revenue, even though those dogs may not be close to the end of their natural lifespan. Some breeders often do the same with puppies that they deem too old to sell or that have disabilities or other issues leading breeders to deem such dogs unsellable. We propose a requirement for humane treatment of retired breeding dogs and unsold

<sup>5</sup> In this Petition, the term “veterinarian” means a person who is trained and/or licensed to practice veterinary medicine or such person’s trained employee working under the supervision or subject to the review and approval of such person.

<sup>6</sup> Link V. Welborn et al., *2011 AAHA Canine Vaccination Guidelines*, 47 J. Am. Animal Hosp. Ass’n 1, 3-9 (2011); *see also* World Small Animal Veterinary Ass’n, *WSAVA Vaccination Guidelines Group*, [http://www.wsava.org/sites/default/files/WSAVA\\_OwnerGuidelines\\_September2010.pdf](http://www.wsava.org/sites/default/files/WSAVA_OwnerGuidelines_September2010.pdf).

<sup>7</sup> Erin Bacon, *Rescued Puppy Mill Dogs Treated in Charlotte*, Charlotte Observer, June 13, 2014, <http://www.charlotteobserver.com/2014/06/13/4975932/rescued-puppy-mill-dogs-treated.html>.



puppies through efforts to have the dogs adopted or placed with rescue organizations.

- A lack of continuous access to potable water. Current regulations do not require that dogs have constant access to water, and also do not specify that the water may not be frozen. However, it is clear that such access is necessary to meet the dogs' basic health and comfort requirements. We propose a requirement that all dogs be provided with continuous access to liquid, potable water.

Petitioners are not the only ones working to implement the above humane standards, which are supported by scientific research. The regulations proposed in this Petition are consistent with standards agreed upon as appropriate to meet the basic needs of dogs in large-scale commercial breeding facilities by pet industry representatives during recent discussions with HSUS and ASPCA. Given the wave of ordinances at the local level banning or greatly restricting the retail sale of puppies,<sup>8</sup> the pet industry—including retail stores that have traditionally purchased puppies from large commercial breeding facilities to resell—has come to realize that consumers care greatly about how their dogs are bred and raised. Some of these pet store chains therefore came to the table to negotiate with HSUS and ASPCA regarding upgraded breeding standards. These negotiations led to an agreed-to set of minimum standards of care appropriate for dogs in breeding facilities.<sup>9</sup> The proposed regulations discussed in this Petition closely track those standards.

<sup>8</sup> See Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sales of Puppies (Exhibit B); see also Best Friends Animal Society, Jurisdictions with Retail Pet Sale Bans, <http://bestfriends.org/Resources/Jurisdictions-With-Retail-Pet-Sale-Bans> (last visited Feb. 5, 2015) (providing links to all local ordinances). For example, Palm Beach County, Florida prohibits pet stores from displaying, selling, trading, delivering, bartering, leasing, renting, auctioning, giving away, transferring, offering for sale or transfer, or otherwise disposing of dogs. The Chicago, Illinois ordinance limits resale to dogs obtained from animal control centers; animal care facilities; kennels; pound or training facilities operated by any subdivision of the local, state, or federal government; humane societies; and rescue organizations. And the Albuquerque, New Mexico ordinance prohibits the sale of puppies to pet stores, animal brokers, and other animal dealers.

<sup>9</sup> Press Release, Safe Healthy Dogs, *Pet Industry and Animal Welfare Organizations Join Forces to Address Puppy Mill Abuse*, [http://safehealthydogs.com/?page\\_id=11](http://safehealthydogs.com/?page_id=11) (last visited Aug. 17, 2015).

The thousands and thousands of dogs living in inhumane, commercial breeding facilities are not the only ones hurt by the excessively lenient minimum standards in the USDA's existing regulations. Responsible breeders, individuals who purchase puppies from large commercial breeders, animal shelters, and animal rescue groups are all negatively impacted.

Individuals and families who choose to purchase puppies from commercial breeding facilities (directly or via pet stores) are harmed by the low minimum requirements in the existing regulations. These buyers often take home puppies who are ill, injured, emotionally distressed, unmanageable, or otherwise not able to function as healthy pets. HSUS receives hundreds of calls and emails each year from pet owners suffering from emotional distress themselves and being financially injured because they unwittingly purchased sick or behaviorally unmanageable puppies from irresponsible—but licensed—breeders, or from pet stores who source their dogs from licensed inhumane commercial breeding facilities.<sup>10</sup>

Public comments to the recently-adopted Retail Pet Store Rule<sup>11</sup> show that responsible breeders desire additional regulation of commercial breeding facilities. These breeders are at a commercial disadvantage to irresponsible breeders because they choose to provide their dogs with more humane—and thus sometimes somewhat more expensive—housing, medical care, and grooming. They also tend to breed their dogs at later ages and less frequently. The proposed rules in this Petition incorporate many practices already adopted by responsible breeders, and therefore should help alleviate their competitive disadvantage by ensuring that all breeders treat their dogs humanely.

<sup>10</sup> Press Release, Humane Soc'y, *The HSUS Releases Five-Year Study of Nearly 2,500 Puppy Buyer Complaints* (Sept. 14, 2012), [http://www.humanesociety.org/news/press\\_releases/2012/09/five-year-puppy-mill-study-091212.html](http://www.humanesociety.org/news/press_releases/2012/09/five-year-puppy-mill-study-091212.html); *see also* Humane Soc'y, *Sample Complaints Regarding USDA Licensed Breeders* (Sept. 2, 2014) (Exhibit C).

<sup>11</sup> Animal Welfare, 78 Fed. Reg. 57,227.

The psychological and health issues that plague dogs from inhumane, commercial breeding facilities—including infectious diseases, joint conditions, behavioral problems, and a host of congenital and hereditary diseases—are a direct result of the irresponsible breeding practices, filthy and overcrowded conditions, and lack of socialization and care endemic to these facilities. A 2013 study published in the *Journal of American Veterinary Medicine* concluded that obtaining dogs from pet stores, which mostly buy their puppies from USDA-licensed commercial breeding facilities, versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior.<sup>12</sup> Similarly, a 2011 study that analyzed behavioral characteristics of 1,100 breeding dogs rescued from “commercial breeding establishments”<sup>13</sup> found that the dogs had significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched, even after living in their new homes an average of two years.<sup>14</sup>

With the rise of large-scale commercial breeding facilities, the negative impacts on puppies and their owners have become so problematic that many states have passed “puppy lemon laws.”<sup>15</sup> A handful of states have also enacted laws that restrict the sale of commercially-

<sup>12</sup> Franklin D. McMillan et al., *Differences in Behavioral Characteristics Between Dogs Obtained as Puppies from Pet Stores and Those Obtained from Noncommercial Breeders*, 242 J. Am. Vet. Med. Ass’n 1359 (2013) [hereinafter McMillan JAVMA Article]. The authors concluded, based on their findings, that they could not recommend that puppies be obtained from pet stores. *Id.* at 1363.

<sup>13</sup> *See id.* at 1360, stating that “Most puppies sold by pet stores in the United States are purchased from brokers, who may themselves be breeders but overwhelmingly acquire their puppies from high-volume breeding facilities, or [Commercial Breeding Establishments], located throughout the United States. Conditions in the CBEs, which supply tens of thousands of puppies to retail pet stores each year, vary widely. Conditions in CBEs range from modern, clean, and well-kept to squalid, noxious, and gravely detrimental to animal health and welfare.”

<sup>14</sup> Franklin D. McMillan et al., *Mental Health of Dogs Formerly Used as “Breeding Stock” in Commercial Breeding Establishments*, 135 Applied Animal Behav. Sci. 86 (2011).

<sup>15</sup> *See* McMillan JAVMA Article, *supra* note 12; Am. Vet. Med. Ass’n, *Pet Purchase Protection Laws*, <https://www.avma.org/Advocacy/StateAndLocal/Pages/pet-lemon-laws.aspx> (last updated June 2014).

bred puppies by pet stores,<sup>16</sup> and more than seventy local ordinances have been passed to ban or restrict the sale of commercially-bred puppies because of known harms to dogs and consumers.<sup>17</sup>

Animal shelters, humane societies, and larger communities are also negatively impacted because conditions and practices of commercial breeding facilities are currently under-regulated. Individuals who buy puppies directly or indirectly from these breeders may abandon or relinquish to shelters puppies that become sick or exhibit significant behavioral problems. Approximately 3.9 million dogs enter animal shelters nationwide every year, and each year approximately 1.2 million dogs are euthanized.<sup>18</sup> In addition, shelters and humane societies often shoulder the cost of rescuing and treating animals from inhumane breeding facilities, even though the costs of improved care do little to affect breeders' bottom lines.<sup>19</sup>

Given the harm to dogs, responsible breeders, buyers, and the larger community caused by permissible yet harmful practices at many commercial breeding facilities, the Petitioners respectfully request that the USDA promulgate the regulatory enhancements recommended in this Petition.

<sup>16</sup> See Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sales of Puppies (Exhibit B).

<sup>17</sup> See *id.*

<sup>18</sup> Am. Soc'y for the Prevention of Cruelty to Animals ("ASPCA"), *Pet Statistics*, <https://www.asPCA.org/about-us/faq/pet-statistics> (last visited Dec. 11, 2014).

<sup>19</sup> A 2011 HSUS study found that animal shelters and rescue groups with which the HSUS worked to help treat and place dogs rescued from inhumane, commercial breeding facilities spent an average of \$259 per dog for veterinary expenses as part of the rescue. Humane Soc'y, *Veterinary Problems in Puppy Mill Dogs* (2012), [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/veterinary\\_problems\\_puppy\\_mills.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/veterinary_problems_puppy_mills.pdf). ASPCA has found that rescues and shelters spend an average of \$25.00–\$39.00 for cost of care per dog per day when dogs are held pending the outcome of criminal proceedings. To calculate the cost of care, ASPCA looked at its involvement in two recent puppy mill rescues. For each rescue it calculated the amount it had spent on shelter supplies, veterinary care, staffing, and travel, and divided that by the total number of animals involved. See ASPCA, *Economic Impact Analysis* (Exhibit J), *supra* note 4 (discussing effect on bottom line) & Table 3 (calculating rescue cost).

## **II. INTERESTS OF PETITIONERS**

### **A. Identity of Petitioners**

Petitioner HSUS, headquartered in the District of Columbia, is the largest animal protection organization in the United States, with millions of members and supporters. Since its establishment in 1954, this non-profit organization has worked to combat animal abuse and exploitation and promote animal welfare. As one of its core campaigns, HSUS actively strives to improve the lives and end the suffering of the hundreds of thousands of adult dogs and puppies confined in inhumane, substandard breeding facilities commonly referred to as “puppy mills.” To accomplish these goals, HSUS engages in education and advocacy to expose the cruelty involved in these breeding operations, and to encourage consumers not to purchase puppies born in such facilities. HSUS also works to achieve legislative and regulatory reforms that establish basic animal care standards for dogs kept in commercial breeding facilities, and to provide recourse for consumers who are sold sick or injured puppies. HSUS also regularly partners with local and state law enforcement in the investigation of breeding facilities that are operating in violation of cruelty codes or standards of care by assisting law enforcement with raids of these facilities and providing medical and other care for seized animals.

HSUS’s strong interest in reducing the suffering of animals in inhumane, commercial breeding facilities reflects the general public’s concern about these facilities. HSUS receives hundreds of telephone and email communications annually from consumers who have unwittingly purchased sick puppies who were bred in inhumane, commercial facilities, many of which concern USDA-licensed breeders. Accordingly, HSUS’s staff works to dispel the commonly held misconception that if a facility is USDA-licensed, it must be a humane facility. If the Agency implements the reforms called for in this Petition, AWA licensing would hold considerably more meaning and offer much more protection for dogs than it does right now.

Petitioner HSVMA is a national organization of veterinary professionals, headquartered in the District of Columbia, that educates the public and others in the veterinary profession about animal welfare issues. HSVMA provides direct care programs for animals in need and is actively involved in advocating for better public policies for animals. One of HSVMA's focus areas addresses the inhumane conditions endured by adult dogs and puppies confined in inhumane, commercial breeding facilities. HSVMA works with its team of veterinary advocates for stronger oversight of these facilities and provides veterinary medical expertise to analyze the conditions at inhumane, commercial breeding facilities and their impact on dogs' health and welfare. In addition, HSVMA representatives frequently speak on this issue to veterinary audiences to increase awareness in the profession and advocate for change.

Petitioner ASPCA was the first humane society to be established in North America and is, today, one of the largest in the world. ASPCA is headquartered in New York City and was founded in 1866 on the belief that animals are entitled to kind and respectful treatment at the hands of humans, and must be protected under the law. ASPCA maintains a strong local presence, and with programs that extend its anti-cruelty mission across the country, the organization is recognized as a national animal welfare organization. Petitioner ASPCA is a privately funded 501(c)(3) not-for-profit corporation, and boasts more than 2.5 million supporters across the country.

ASPCA invests significant resources in and dedicates considerable programmatic focus to reforming the practices of the puppy mill industry and improving the lives of dogs used for commercial breeding.<sup>20</sup> To effectuate change, ASPCA engages in education and advocacy to expose the cruelty involved in these breeding operations under current law and regulation and to

<sup>20</sup> ASPCA defines "puppy mill" as a large-scale, commercial breeding establishment that prioritizes profit over the well-being of the dogs.

encourage consumers not to purchase puppies born in such facilities. In 2011, ASPCA launched its national No Pet Store Puppies campaign, which aims to reduce the demand for puppy mill puppies by urging consumers to pledge not to buy any items—including pet supplies—from pet stores or on websites that sell puppies. As part of its No Pet Store Puppies campaign, ASPCA has compiled a database of over 17,000 photographs of USDA-licensed facilities taken by USDA during routine inspections. The photos document conditions that violate the law, and in some cases, conditions that are legal, but that ASPCA considers inhumane.

ASPCA works to achieve legislative and regulatory reforms that establish basic animal care standards for dogs kept in commercial breeding facilities, and to provide recourse for consumers who are sold sick or injured puppies. ASPCA also partners with local and state law enforcement in the investigation of breeding facilities that are operating in violation of cruelty codes or standards of care by assisting law enforcement with raids of these facilities and providing forensic services, placement assistance, and medical and other care for seized animals.

#### **B. Legal Basis for the Petition**

Petitioners submit this Petition for rulemaking pursuant to the Right to Petition Government Clause in the First Amendment to the United States Constitution; the Administrative Procedure Act, 5 U.S.C. § 553(e); and USDA’s implementing regulations, 7 C.F.R. § 1.28.<sup>21</sup> Petitioners request that the Secretary take action consistent with Congress’ statement of policy in the AWA, 7 U.S.C. § 2131, and USDA’s obligations under that statute, to effectively regulate to ensure the humane treatment of animals. Specifically, Petitioners request that USDA enhance restrictions on the inhumane treatment of dogs in dealer housing facilities by

<sup>21</sup> Petitions by interested persons in accordance with 5 U.S.C. § 553(e) for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule. All such petitions will be given prompt consideration and petitioners will be notified promptly of the disposition made of their petitions.

7 C.F.R. § 1.28 (2015).

adopting the regulations recommended herein pursuant to 7 U.S.C. § 2151, and which are attached hereto as Exhibit A.

The proposed regulations are not only permissible under USDA's authority, given that AWA Section 21, 7 U.S.C. § 2151, authorizes the Secretary to "promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this chapter," but are also necessary under USDA's statutory *obligation* to create minimum standards for the humane care and treatment for dogs in commercial breeding facilities. AWA Section 13, 7 U.S.C. § 2143, requires the Secretary to "promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers."<sup>22</sup> These standards must include minimum requirements for the housing, sanitation, ventilation, and exercise of dogs, among others.<sup>23</sup> USDA therefore has an affirmative obligation to update its regulations when research shows that current regulations do not sufficiently provide for the humane treatment and care of dogs.

This is the case today. Many of the regulations promulgated under the AWA were adopted in the 1990s and early 2000s, and some of USDA's historical positions are based on outdated research. For example, USDA stated in the late 1990s that there was no scientific evidence suggesting that wire floors were harmful to dogs.<sup>24</sup> USDA therefore did not ban wire flooring. However, scientific evidence, along with evidence from USDA's own inspections, now conclusively shows that wire floors cause significant physical and emotional harm to dogs in inhumane, commercial breeding facilities, as discussed in Section III.A of this Petition. USDA

<sup>22</sup> 7 U.S.C. § 2143(a)(1).

<sup>23</sup> 7 U.S.C. § 2143(a)(2)(A), (B).

<sup>24</sup> Humane Treatment of Dogs and Cats, 63 Fed. Reg. 3017, 3019 (Jan. 21, 1998); Animal Welfare Standards, 64 Fed. Reg. 19,251, 19,251-52 (Apr. 20, 1999).



must update its regulations to ensure that the minimum standards imposed by its regulations are consistent with existing scientific findings.

Amending federal law and regulations to increase the protection of dogs in commercial breeding facilities is nothing new. Congress discussed the “abuses committed by puppy mills” when passing amendments to the AWA nearly forty years ago.<sup>25</sup> USDA has also recognized that amendments to the AWA in the 1980s were intended to provide for the “enhanced well-being of animals.”<sup>26</sup> Further, enhanced regulations to protect breeding dogs align with USDA’s recent improvements to the enforcement of its regulations at commercial breeding facilities,<sup>27</sup> as well as efforts to regulate large-scale commercial breeders selling directly to consumers over the internet.<sup>28</sup> Petitioners therefore respectfully request that USDA continue to improve the protection of dogs at commercial breeding facilities and ensure that the Agency is carrying out its obligations under the AWA, by promulgating new regulations regarding wire flooring, stacked cages, enclosure size and temperature, access to exercise areas and potable water, socialization, breeding practices, veterinary care and grooming, and treatment of retired dogs and unsold puppies. As demonstrated in the sections below, the current regulations do not adequately protect dogs from proven harms to their well-being.

<sup>25</sup> H.R. Rep. No. 94-801, at 12 (1976), *reprinted in* 1976 U.S.C.C.A.N. 758, 764 (discussing Animal Welfare Act Amendments of 1976).

<sup>26</sup> Animal Welfare Standards, 56 Fed. Reg. 6426, 6428 (Feb. 15, 1991).

<sup>27</sup> See USDA, Office of Inspector Gen., Audit Report 33002-4-SF, *Animal and Plant Health Inspection Service, Animal Care Program, Inspections of Problematic Dealers 1* (May 14, 2010). The report found that enforcement against commercial breeding facilities was ineffective. HSUS in this Petition also wants to ensure the underlying regulations are sufficient to protect animal welfare.

<sup>28</sup> See Animal Welfare, 78 Fed. Reg. 57,227.

### **III. PHYSICAL CONDITIONS IN COMMERCIAL BREEDING FACILITIES**

#### **A. Wire Flooring in Primary Enclosures**

USDA's current regulations permit the use of wire flooring in primary enclosures, subject to some restrictions. But despite these restrictions, dogs in commercial breeding facilities still suffer serious physical and emotional harm due to wire or gridded flooring.

##### **1. Wire Flooring Is Currently Permissible Under the USDA's Regulations**

Prior to 1998, federal regulations required generally that primary enclosures have floors that were constructed in a manner that protected the dogs' feet and legs from injury. If floors were of mesh or slatted construction—or wire—then the only requirement was that the floors not allow dogs' feet to pass through any openings therein.<sup>29</sup>

In 1998, APHIS published new standards specifically defining acceptable wire flooring. Under these standards, all primary enclosures with suspended floors constructed of metal strands are required to have strands either greater than 1/8th of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass, and must be strong enough so that the floor cannot sag or bend between the structural supports.<sup>30</sup>

Although the 1998 regulations were a step in the right direction, they remain inadequate to ensure the humane treatment of dogs in commercial dealer facilities.

##### **2. Current Flooring Regulations Do Not Protect Against Known Harms**

Scientific evidence and USDA's own data show that the existing minimum requirements regarding flooring in primary enclosures are insufficient to protect the physical and psychological well-being of dogs in commercial breeding facilities. Dogs in these facilities frequently experience leg injuries and paw swellings. These are among the most common

<sup>29</sup> 9 C.F.R. § 3.6(a)(2)(x) (1997) (originally added in 1991).

<sup>30</sup> 9 C.F.R. § 3.6(a)(2)(xii) (2014); *see also* Humane Treatment of Dogs and Cats, 63 Fed. Reg. at 3017-18.

veterinary problems noted by USDA inspectors.<sup>31</sup> These injuries and the related harms described below are preventable and should be addressed by USDA now in a rulemaking.

Dogs and related species prefer solid flooring, and if given the choice will expend effort to move from a wire mesh floor to a solid floor.<sup>32</sup> This demonstrated preference for solid flooring is not surprising given the well-documented physical harms wire flooring can cause.

These include:

- Damage to paw pads due to long-term contact with wire under the pressure of the dogs' body weight. This damage can include chronic painful sores, cuts, cracks, or bruising to the paw pads, which put the dogs at risk of pain and infection.<sup>33</sup>
- Splaying of the paws in order to maintain balance on wire flooring.<sup>34</sup> Such splaying can cause painful inter-digital cysts, swellings, lesions,

<sup>31</sup> See Photographs of Wire Floors and Injured Paws (Exhibit D-1); see also Excerpts from USDA Inspection Reports Regarding Paw Injuries (Exhibit E).

<sup>32</sup> Mark J. Prescott et al., *Eighth Report of the BVAAWF/FRAME/RSPCA/UFAW Joint Working Group on Refinement: Refining Dog Husbandry and Care*, 38 Lab Animal Supp. 1, 28 (2004) (“[T]he majority of the Working Group members . . . agree that dogs prefer solid flooring. . . . Wire mesh flooring systems are not recommended.”); Tarja Koistinen & Jaakko Mononen, *Blue Foxes' Motivation to Gain Access to Solid Floors and the Effect of the Floor Material on Their Behaviour*, 113 Applied Animal Behav. Sci. 326 (2008) (demonstrating that foxes on wire mesh floors are willing to work to gain access to solid floors; on the solid floor, the foxes performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting or exploring with their muzzles, and jumping); Graham Moore, *Assessment of Animal Housing Needs in the Research Setting Using a Peer-Reviewed Literature Approach: Dogs and Cats*, Dev. of Science-Based Guidelines for Lab. Animal Care 70 (2004), <http://www.ncbi.nlm.nih.gov/books/NBK25397/pdf/TOC.pdf>. (explaining a Council of Europe Expert Group's view that preferred flooring for dogs was solid and continuous, with a smooth but nonslip finish, and that open flooring systems such as grids or mesh should be avoided, and that all dogs should be provided with a comfortable solid resting area; pups and bitches with litters should not be held on an open floor system); see also Humane Soc’y Vet. Med. Ass’n (“HSVMA”), *Veterinary Report on Puppy Mills*, 6 (2013), [http://www.hsvma.org/assets/pdfs/hsvma\\_veterinary\\_report\\_puppy\\_mills.pdf](http://www.hsvma.org/assets/pdfs/hsvma_veterinary_report_puppy_mills.pdf) [hereinafter HSVMA Report]; Hearing on HB 2525 (“Dog Law”) Before the H. Agric. & Rural Affairs Comm., Reg. Sess. 2007-2008 (Pa. 2008) (statement of Dennis Wolff, Sec’y, Pa. Dep’t of Agric.), <http://media.philly.com/documents/House+Bill+2525+testimony.pdf>; Lila Miller, Vice President of Shelter Medicine, ASPCA, Comment on Pennsylvania Wire Floor Regulations (May 25, 2010) (Exhibit F).

<sup>33</sup> Humane Soc’y, *Problems with Grid Flooring in Dog Kennels* (2010), [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/wire\\_grid\\_floor\\_pm\\_fact\\_sheet.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/wire_grid_floor_pm_fact_sheet.pdf) [hereinafter Humane Society Fact Sheet]; Humane Soc’y, *A Horrible Hundred: Problem Puppy Mills in the United States*, HSUS Puppy Mill Investigations and Exposés, Paper 8 (2013), [http://animalstudiesrepository.org/hsus\\_pmc\\_iae/8](http://animalstudiesrepository.org/hsus_pmc_iae/8) [hereinafter *A Horrible Hundred*] (including many examples of problems with dogs housed on wire flooring).

<sup>34</sup> See Humane Society Fact Sheet, *supra* note 33.

masses, and sores, which can cause pain and infection and disrupt the dogs' normal gait. This in turn can cause skeletal problems.<sup>35</sup>

- Overgrown nails due to limited contact with solid surfaces that normally wear down nails. Because a dog's nails grow in a curved manner, they can become painfully embedded in the dog's paw pads.<sup>36</sup> This can lead to infection, causing pain and potentially life-threatening medical conditions.<sup>37</sup> Long nails also contribute to abnormal gait. For example, during a 2012 inspection of an inhumane, commercial breeding facility in Guide Rock, Nebraska, USDA inspectors found a Basset Hound with nails so long that they caused "rotation of the feet" when the dog was standing.<sup>38</sup> Moreover, long nails can become caught in or around the wire flooring. If a dog's nails get caught in the flooring, she can become trapped in place. Or, in an effort to free herself, a dog may accidentally tear off her caught nails, causing bleeding, great discomfort, and risk of infection.<sup>39</sup> Long nails can also cause foot ulcerations and arthritis.<sup>40</sup>
- Caught or torn-out fur. Many dogs in large commercial breeding facilities are not regularly, or ever, groomed, as addressed in this Petition below. As a result, non-shedding dogs in commercial breeding facilities often have overly long and/or matted fur. This fur can get caught in, or even grow around, wire flooring. When this happens, a dog can get pinned in one spot, preventing movement and access to food and water.<sup>41</sup> If she fights to free herself, some of her fur and skin can be ripped off.<sup>42</sup>
- Avoidance of normal behaviors. Wire flooring is uncomfortable to lie down on. Dogs kept on wire flooring avoid normal behaviors such as reclining to avoid the discomfort associated with lying down on this material.<sup>43</sup> As a result, the dogs spend an unnatural amount of time standing, which can cause joint and muscle stress.<sup>44</sup> Dogs may also restrict

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*Id.*

36

HSVMA Report, *supra* note 32, at 6.

37

Animal Rescue Corps, *End Puppy Mills*, <http://animalrescuecorps.org/learn/puppy-mills/> (last visited Nov. 13, 2014) [hereinafter Animal Rescue Corps].

38

*See A Horrible Hundred*, *supra* note 33.

39

HSVMA Report, *supra* note 32, at 6.

40

Peter Ward et al., Inst. For Lab. Animal Research, Nat'l Research Council, *Recognition and Alleviation of Distress in Laboratory Animals* 66 (2008), [http://grants.nih.gov/grants/olaw/NAS\\_distress\\_report.pdf](http://grants.nih.gov/grants/olaw/NAS_distress_report.pdf).

41

*See* Animal Rescue Corps, *supra* note 37.

42

*See, e.g.*, Nat'l Puppy Mill Project, *America's Dirty Little Secret*, <http://www.nationalpupmymillproject.org/> (last visited Nov. 20, 2014) (citing Janice Brown & Brendan Quealy, *Saving Animals One Pet Store at a Time*, *Tails Pet Magazine*, May 2012)).

43

HSVMA Report, *supra* note 32, at 6.

44

*See, e.g.*, Paul D. McGreevy et al., *A Note on the Effect of Changes in Flooring on the Behavior of Housed Rams*, 107 *Applied Animal Behav. Sci.*, 355-60 (2007).

their activity level to avoid discomfort to their paws from the wire flooring. This can lead to obesity and other health problems.<sup>45</sup>

- Injuries from paws slipping through holes in the wire flooring. Despite current regulations requiring mesh to be small enough that paws cannot slip through, in practice slipping through remains a significant problem.<sup>46</sup> In some commercial breeding facilities, primary enclosures have holes in the wire flooring that may be small enough to protect larger dogs, but not small enough to protect smaller dogs and puppies. These smaller dogs and puppies risk their paws and even entire legs slipping through the openings. If these dogs struggle to pull their paws or limbs back through the holes, they can cause severe lacerations or even amputation.<sup>47</sup> For example, a USDA inspector found puppies at an inhumane, commercial breeding facility that sold puppies to a Danbury, Connecticut, pet store with paws so damaged from slipping through the holes in the wire flooring that the puppies' bones protruded through their skin, with exposed muscle and flesh.<sup>48</sup>
- Difficulty regulating body temperatures. Wire flooring exposes dogs to increased drafts, making it more difficult for the dogs to regulate their body temperatures.<sup>49</sup>

Wire or gridded flooring also causes significant psychological harm to dogs. A study of laboratory animals found that “[l]ong-term housing in cages with wire mesh floors where adequate bedding or nesting materials cannot be provided can also result in stress [and] distress . . .”<sup>50</sup> The stresses of uncomfortable confinement can foster anxiety, frustration, and depression, making dogs difficult to handle and hard to socialize in the future.<sup>51</sup> These in turn can also cause

<sup>45</sup> HSVMA Report, *supra* note 32, at 7.

<sup>46</sup> See USDA, Animal & Plant Health Inspection Serv. [APHIS], Inspection of Jay & Doris Kragt, Certif. 42-A-1302 (cancelled) (Oct. 29, 2012), [https://acissearch.aphis.usda.gov/acis\\_request/faces/DataRequest.jspx?output\\_type=1&request\\_type=0&request\\_id=304120942490381](https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=304120942490381) [hereinafter Kragt Inspection Report] (observing large gap in floor to accommodate PVC pipe, but also allowing legs to slip through) (Exhibit I-3).

<sup>47</sup> E.g., APHIS, Inspection of Jacob Yoder, Certif. 31-A-0265 (Oct. 2, 2007).

<sup>48</sup> APHIS, Inspection of Joseph & Rhoda Graber., Certif. 32-A-0350 (Aug. 12, 2012), [https://acissearch.aphis.usda.gov/acis\\_request/faces/DataRequest.jspx?output\\_type=1&request\\_type=0&request\\_id=170120948011917](https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=170120948011917) (Exhibit I-4).

<sup>49</sup> HSVMA Report, *supra* note 32, at 6-7; see also Ward et al., *supra* note 40, at 66 (noting that “[f]or experimental and comfort reasons it is best to maintain animals in their thermoneutral zone”).

<sup>50</sup> Ward et al., *supra* note 40, at 66.

<sup>51</sup> HSVMA Report, *supra* note 32, at 7.

dogs to withdraw, self-mutilate, bark frequently, or develop inappropriate repetitive behaviors.<sup>52</sup> Even if a dog is eventually taken off the wire flooring, such behaviors can persist.

For example, in December, 2013, a USDA inspector found a gravely injured dog entrapped in wire flooring at a commercial breeding facility in Iowa. In the report, attached as Exhibit I-1, the inspector noted that the dog “had a pad caught in the wire flooring, and she had aborted her puppies.” The inspector also stated the dog had shallow breathing, pale gums and was lethargic. The dog’s poor condition may have been caused by struggling to free herself to the point of exhaustion. And in May, 2014, an inspection of a commercial breeding facility in Missouri, attached as Exhibit I-2, found a Maltese who was unable to put weight on his right front leg due to a swollen, red paw, and a French Bulldog was found with nails so long that “some of the toenails were wrapping around the wire flooring and turning the toe digits in an abnormal manner.” Both swollen feet and abnormally long nails are common problems at inhumane commercial breeding facilities where dogs are forced to stand on wire flooring continually.

The arguments advanced in favor of wire or gridded flooring cannot justify these physical and psychological harms. In theory, such flooring is designed to allow urine and feces to pass through, allowing for easier sanitation. However, mesh that is small enough to prevent paws from passing through is also too small to allow feces to pass through easily. As a result, fecal matter generally only passes through the wire flooring if it is mashed through by the dogs’ feet or bodies. Feces then sticks to the dogs, and also sticks to the mesh matter, becoming caked onto the wire.<sup>53</sup> Once this fecal matter dries, it is very difficult to remove. Over time, the caked-on fecal matter may become the only solid surface on which the dogs can stand or rest, and dogs

<sup>52</sup>

*Id.*

<sup>53</sup>

Humane Society Fact Sheet, *supra* note 33.

will do so. This is not only unsanitary, but it also conflicts with the natural instinct of dogs to live separately from their excrement. However, the dogs' overwhelming desire to feel the security of solid ground beneath their feet overrides this instinct for many dogs, and they make their home and resting place on their own old waste.<sup>54</sup>

Fecal matter that does manage to pass through the wire or gridded flooring accumulates in a pan, on the floor, or on the ground below the cage. This attracts flies and other insects. Such insects are not only a nuisance to the dogs, but they can also pose a serious health risk. Fly strike can result in open wounds, and insect bites increase the likelihood of disease transmission.<sup>55</sup>

All of the harms described in this Section can occur even if the wire flooring at a commercial breeding facility is in perfect condition. However, in practice flooring does not long remain in such condition. Vinyl or other coating wears off quickly.<sup>56</sup> Dogs also chew on the wiring, especially if they do not get adequate psychological stimulation, which is usually the case at large commercial dealer facilities. When dogs chew on the wiring, they can damage their teeth and ingest pieces of plastic coating, causing gastric upset.<sup>57</sup> Without coating, the wire is more uncomfortable and more dangerous.<sup>58</sup>

<sup>54</sup> Animal Rescue Corps, *supra* note 37; *see also* APHIS, Inspection of Debra Pratt, Certif. 42-A-1399 (Oct. 2, 2012), [https://acisearch.aphis.usda.gov/acis\\_request/faces/DataRequest.jspx?output\\_type=1&request\\_type=0&request\\_id=277121002020412](https://acisearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=277121002020412) [hereinafter Pratt Inspection Report] (observing feces hanging from the wire floors and fly infection) (Exhibit I-5); APHIS, Inspection of Kenneth & Leatrice McGuire, Certif. 42-A-0830 (cancelled) (Mar. 12, 2013), [https://acisearch.aphis.usda.gov/acis\\_request/faces/DataRequest.jspx?output\\_type=1&request\\_type=0&request\\_id=71131347492862](https://acisearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=71131347492862) [hereinafter McGuire Inspection Report] (similar) (Exhibit I-6); Kragt Inspection Report, *supra* note 47 (Exhibit I-3) (similar); APHIS, Inspection of Lavern Troyer, Certif. 33-A-0488 (Aug. 9, 2011) [hereinafter Troyer Inspection Report] (Exhibit I-7).

<sup>55</sup> HSVMA Report, *supra* note 32, at 7.

<sup>56</sup> *Id.* at 6-7; *see also* APHIS, McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing whelping dog on broken wire flooring with sharp points).

<sup>57</sup> *See* Miller, *supra* note 32 (Exhibit F).

<sup>58</sup> HSVMA Report, *supra* note 32, at 6-7; *see also* McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing whelping dog on broken wire flooring with sharp points).

3. The Regulations Need to Be Amended to Prevent Harm to Dogs from Wire Flooring

Given the physical and psychological harms caused by wire or gridded flooring discussed above, USDA should amend 9 C.F.R. § 3.6(a)(2) to require that the mandatory minimum space required for primary enclosures in commercial breeding facilities have solid floors, or flooring that is slatted if the slats are at least 3.5 inches in width with no more than half-inch gaps between slats.<sup>59</sup>

Notably, APHIS's own comments from an earlier rulemaking suggest that this proposed regulation is required under the AWA on the basis of discomfort alone. In 1998, in response to a public comment that the then-current regulations (which did not require coated wire and also did not specify that the flooring must not sag) were sufficient, the Agency wrote:

While the current regulations regarding primary enclosures for dogs and cats require that the floors be constructed in a manner that protects the dogs' and cats' feet and legs from injury, the *regulations do not address the issue of basic comfort* for the animals. In enforcing the AWA, APHIS is charged with, among other things, promulgating standards to govern the humane care and treatment of animals covered by the law. Therefore, in carrying out the AWA, we believe that *we are responsible for establishing minimum levels of comfort* for regulated animals. We have come to believe that, while wire flooring may not actually cause injury to all dogs and cats housing on it, *such flooring is generally uncomfortable for these animals*.<sup>60</sup>

Now, sixteen years later, scientific research and USDA's inspection experience make absolutely clear not only that wire or gridded flooring in general causes great discomfort, but that it also causes significant injuries to animals housed on them, regardless of the coating and

<sup>59</sup> This requirement mirrors some state law requirements, *e.g.*, Pennsylvania's. See 3 Pa. Stat. § 459-207(i)(3)(ii); *see also* Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>60</sup> Humane Treatment of Dogs and Cats, 63 Fed. Reg. at 3018 (emphasis added).



regardless of whether the flooring sags. Thus, based on its own rationale, the Agency should revise its regulations to prohibit wire flooring entirely, at least in the minimum mandated space.

The case for federal regulation prohibiting wire flooring in a dog's primary living space is amply supported by experts in the field. For instance, in the lab animal context, "the majority of the experts recommended solid or at least only partly gridded floors and agreed that dogs prefer solid flooring. Whatever the flooring type, a safe solid area of sufficient size for all dogs to comfortably and simultaneously lie down should be provided."<sup>61</sup>

Many organizations oppose the use of wire flooring, including for example the Association of Shelter Veterinarians ("ASV").<sup>62</sup> An ASV task force charged with drafting guidelines for the humane care of animals in shelters concluded after almost two years of research that "[w]ire-mesh bottom floors in cages are not acceptable for cats and dogs."<sup>63</sup> The American Kennel Club ("AKC") also states its preference for solid flooring, and allows wire flooring only if a solid rest area is provided.<sup>64</sup> Similarly, the American Veterinary Medical Association ("AVMA") in its model breeding regulations states that dogs need at least some solid flooring in their cages.<sup>65</sup> And the Council of Europe<sup>66</sup> Expert Group, a group of experts

<sup>61</sup> Robert Hubrecht, *Comfortable Quarters for Dogs in Research Institutions*, Comfortable Quarters for Lab. Animals (9th ed. 2002).

<sup>62</sup> See Miller, *supra* note 32 (Exhibit F).

<sup>63</sup> See *id.* This research was performed with shelters in mind, but is even more relevant for commercial breeding facilities because animals are generally in shelters for only a short period of time, while thousands of animals in commercial breeding facilities spend the vast majority of their lives in their primary enclosures. *Id.*

<sup>64</sup> American Kennel Club, *AKC's Care and Conditions of Dogs Policy*, [https://images.akc.org/governmentrelations/documents/pdf/Safe\\_Housing.pdf](https://images.akc.org/governmentrelations/documents/pdf/Safe_Housing.pdf) (last visited Nov. 13, 2014) [hereinafter AKC Policy].

<sup>65</sup> Am. Vet. Med. Ass'n (AVMA), *Model Bill and Regulations to Assure Appropriate Care for Dogs Intended for Use as Pets* (Apr. 9, 2010) ("Dogs should be provided with an area of solid flooring. A dog's welfare needs for comfortable housing are better met by a kennel with solid flooring.") [hereinafter AVMA Model Bill].

<sup>66</sup> The Council of Europe is an international political institution with 45 member states, formed in 1949 to protect human rights and seek solutions to social problems facing European society, among other goals. See Wim deLeeuw, *The Council of Europe: What Is It?*, Dev. of Science-Based Guidelines for Lab. Animal Care, *supra*, at 32.

largely drawn from nongovernmental organizations, has stated that all dogs should at the very least be provided with a comfortable solid resting area within their enclosures.<sup>67</sup>

A federal regulation prohibiting wire flooring, at least in the minimum space required for primary enclosures, would find company with laws from six states which already require completely solid flooring.<sup>68</sup> Moreover, many more states require at least solid resting places in primary enclosures.<sup>69</sup>

Finally, enforcement of such a regulation would not be difficult. Violations would be easily detected through visual inspection.

## **B. Size of Primary Enclosures**

### **1. The Minimum Required Size of Primary Enclosures Is Currently Too Small**

A primary enclosure of the minimum size allowed under current regulations is far too small for a dog to live in for most of her life. Essentially, a dog may be kept in a small square wire box with sides a mere six inches longer than her body length, and a height only six inches higher than her body height.<sup>70</sup> This space is barely sufficient for most dogs to allow them to comfortably turn around and lie down in a clean spot, or move around if they so desire. Furthermore, these rules apply uniformly to all dogs, even though six inches is a much less meaningful amount of space for a larger dog.

Current science shows that these minimum primary enclosure sizes are too small to properly allow dogs to develop and behave normally. Simply put, “dogs . . . require sufficient

<sup>67</sup> Moore, *supra* note 32. Furthermore, the experts stated that pre-weaned pups and periparturient and suckling bitches should not be housed on an open floor system.

<sup>68</sup> See Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>69</sup> See *id.* However, Petitioners note that a solid resting area is inadequate to address their concerns regarding wire flooring. Providing only a small area of solid flooring in practice simply reduces the dogs’ overall living space, as they will simply remain on the solid area and avoid the wire portions of the enclosure. See *supra* note 32 (citing sources noting that animals avoid wire flooring if solid flooring is available).

<sup>70</sup> 9 C.F.R. § 3.6(c)(1)(i), (iii).

space and exercise geared to promote their mental and physical health.”<sup>71</sup> For instance, young puppies require more space since they are active and need extra space for play, and all dogs require a space that is large enough to allow them to retreat from distressing events.<sup>72</sup> Sufficiently large enclosures also allow for structures and enrichment to be added, and allow a dog to separate its sleeping, defecating, and exercise areas.<sup>73</sup> As many inspections have shown, under current regulations dogs have insufficient space to sit, stand, or lie down in a clean spot.<sup>74</sup> Dogs should also not be limited in vertical space; they should be able to stand on their hind legs without touching the roof of the enclosure.<sup>75</sup>

Small enclosures can lead to physical and behavioral problems that will ultimately affect buyers of puppies. For instance, confinement in cramped enclosures is associated with a higher prevalence of circling and other stereotyped behavior.<sup>76</sup> Additionally, enclosures that are too small—in combination with inadequate exercise regulations—lead to a lack of physical exercise for dogs, which results in a variety of physical problems.<sup>77</sup> Larger enclosures would ensure that dogs get a minimal amount of exercise if, for some reason, they cannot access the exercise area proposed in this Petition, such as during bad weather or very low temperatures.<sup>78</sup>

Various states already require a larger enclosure space that is better tailored to the needs of the dog. For example, Missouri regulations require that dogs be provided with enclosure space

<sup>71</sup> Moriah Hurt et al., *Promoting the Welfare of Kennelled Dogs: Space Allocations and Exercise*, Purdue Extension (Feb. 2015), <https://extension.purdue.edu/extmedia/VA/VA-2-W.pdf>.

<sup>72</sup> Hubrecht, *supra* note 61; *see also* Kevin J. Stafford, *The Welfare of Dogs* 169-70 (2007).

<sup>73</sup> Hubrecht, *supra* note 61.

<sup>74</sup> Photographs of Dogs Who Have No Clean Spots Available to Lie Down (Exhibit D-2).

<sup>75</sup> Hubrecht, *supra* note 61; *see also* New South Wales Agriculture Animal Research Rev. Panel, *Guidelines for the Care and Housing of Dogs in Scientific Institutions* 8 (Mar. 1, 1999).

<sup>76</sup> Hubrecht, *supra* note 61; *see also* Michael B. Hennessy et al., *Exploring Human Interaction and Diet Effects on the Behavior of Dogs in a Public Animal Shelter*, 5 J. Applied Animal Welfare Sci. 253 (2002).

<sup>77</sup> *See, e.g.*, Suzanne Hetts et al., *Influence of Housing Conditions on Beagle Behaviour*, 34 Applied Animal Behav. Sci. 138 (1992) (“Inactivity associated with caging for 8 weeks led to generalized subperiosteal bone resorption with the bone being replaced by fibrous tissue.”). The effects of a lack of exercise are discussed in more detail in Section IV.D, *infra*.

<sup>78</sup> *See* AVMA Model Bill, *supra* note 65 (noting that adequate space encourages spontaneous activity and enrichment necessary for a dog’s normal development).

that is up to six times the current USDA requirements.<sup>79</sup> Others require, at the very least, “adequate space” for the dog to fully turn around, lie down, and fully extend without touching the sides of the enclosure.<sup>80</sup>

## 2. The Regulations Need to Be Amended to Require Larger Enclosures

It is clear that there is an “insufficient scientific basis to support” the current regulations.<sup>81</sup> Although older research is more conflicted, newer research shows that a sufficiently large kennel size allows dogs to display “a greater diversity of natural behaviors.”<sup>82</sup> Clearly, there are “distinct advantages in having larger cages for dogs.”<sup>83</sup> The Agency should amend the current regulations in 9 C.F.R. § 3.6 to require larger enclosures that properly scale up with the size of the dog housed in the enclosures to ensure the dog has sufficient space to exhibit natural behaviors. At the very least, the minimum floor space should be double the current requirement, allowing the dog to turn and stretch fully without touching the sides of the enclosure, with a height sufficient to allow the dog to stand on his or her hind legs without touching the roof of the enclosure.

### C. **Stacking of Primary Enclosures**

Current USDA regulations fail to address the common problems associated with the stacking of primary enclosures.<sup>84</sup> Because stacking has proven to have serious negative impacts on dogs housed in such cages, new regulations are needed.

<sup>79</sup> Mo. Code Regs. Ann. tit. 2, § 30-9.030(1)(F)3.C.(II) (requiring six times amount of federally required floor space for all singly housed dogs as of January 1, 2016); *see also* Compilation of State Laws and Regulations Regarding the Topics Addressed in This Petition (Exhibit G).

<sup>80</sup> *See* Mich. State Univ. Animal Legal & Historical Center, Table of State Commercial Pet Breeders Laws, <https://www.animallaw.info/topic/table-state-commercial-pet-breeders-laws> (last visited Aug. 30, 2015); Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>81</sup> Hurt et al., *supra* note 71.

<sup>82</sup> *Id.* (referencing data from S. Normando et al., *Effects of Space Allowance on the Behaviour of Long-Term Housed Shelter Dogs*, 103 *Behavioural Processes* 306-14 (2014)).

<sup>83</sup> Stafford, *supra* note 72, at 169.

<sup>84</sup> *See* Photographs of Stacked Cages (Exhibit D-3).

## 1. Stacking Primary Enclosures Is Harmful to Dogs

Directly or indirectly stacking primary enclosures through the use of multiple tiers reduces airflow, which can be particularly problematic for dogs housed in indoor facilities. Stacking can also limit the light that reaches the dogs. Some dogs housed in stacked cages in commercial breeding facilities live in almost complete darkness,<sup>85</sup> which can lead to psychological harm.

Stacking primary enclosures is also harmful because it creates major sanitary problems. Stacked cages are generally difficult or even impossible to adequately clean without the use of special equipment.<sup>86</sup> Moreover, feces, urine, wastewater, hair, and other filth from higher cages can fall onto the dogs in the lower cages if there is no adequate barrier between the different levels or when the cages are being sprayed down for cleaning.<sup>87</sup>

Stacking also impedes access to the dogs, which can make removal of dogs from stacked cages extremely difficult. This may lead operators to leave dogs in their cages for long periods, depriving the dogs of exercise, socialization, or even medical examinations and treatment. Dogs being removed from high cages sometimes fall or are dropped, leading to major injury.<sup>88</sup> Moreover, stacking impedes visibility of the dogs. This makes it difficult for operators and USDA inspectors to check on the dogs' health and well-being,<sup>89</sup> as well as the sanitation and safety of the primary enclosure.

Stacked cages encourage overcrowding of dogs in facilities because many dogs are placed in cages close together, contributing to high ammonia levels, fly infestations, and rapid transmission of diseases. Across dealer housing facilities, the worst conditions that inspectors

<sup>85</sup> Humane Society Fact Sheet, *supra* note 33.

<sup>86</sup> *Id.*; HSVMA Report, *supra* note 32, at 7 (“In stacked-cage scenarios, wire mesh flooring amplifies the health risks [related to excreta] for the dogs housed below.”).

<sup>87</sup> See McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing waste running down from above).

<sup>88</sup> Humane Society Fact Sheet, *supra* note 33.

<sup>89</sup> *Id.*

and rescue organizations such as HSUS encounter tend to be in facilities with stacked primary enclosures. These dealers tend to use stacked primary enclosures because they are generally focused on maximizing the number of dogs they can fit in their limited spaces to maximize profits. They also tend to understaff their facilities to reduce their costs, exacerbating an already inhumane situation, and leading to the further neglect of the dogs locked in the stacked cages. The ammonia levels can get so bad in such facilities—where dogs can spend their entire lives—that rescue workers on relatively short visits must wear respirators.<sup>90</sup>

Stacked cages pose an additional threat to dogs when they have wire flooring and the barriers between cages are inadequately maintained. As discussed above, there is a risk with wire flooring that dogs' paws and legs may slip through holes in the flooring. If the primary enclosures are stacked, dogs may injure, or be injured by, dogs on other tiers.<sup>91</sup> The dogs below can get kicked or scratched, and the dogs above can be bitten.

So-called Sundowners and Hunte kennel trailers, which aim to maximize the amount of dogs by stacking cages, are no less problematic than other stacked systems, despite assertions by some breeders to the contrary. Inspectors have found rusted doors, gaps in treated-wire floors big enough for paws to fall through, feces build-up on doggie doors, high amounts of ammonia, and other problems in such trailers. The problems with these kennels are well-documented in USDA inspection reports.<sup>92</sup>

<sup>90</sup>

*Id.*

<sup>91</sup>

HSVMA, *Veterinary Report on Puppy Mills*, *supra* note 29.

<sup>92</sup>

*See* Pratt Inspection Report, *supra* note 54 (Exhibit I-5) (holes in the elevated flooring); McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (feces caught on flooring, waste running down the bottom cage); Kragt Inspection Report, *supra* note 47 (Exhibit I-3) (large gaps in floor); APHIS, Inspection of Pat Crabtree, Certif. 48-A-1641 (Apr. 2, 2013) (Exhibit I-7); Troyer Inspection Report, *supra* note 54; *see also* Photographs of Stacked Cages (Exhibit D-3) (including pictures of stacked cages in trailers).

## 2. New Regulations Are Necessary to Prevent Stacking from Harming Dogs

In light of these harms, USDA should amend 9 C.F.R. § 3.6(c)(4) to prohibit the stacking of primary enclosures in commercial breeding facilities to allow for easier viewing of and access to the dogs, more effective cleaning, and increased access to exercise areas and socialization opportunities. Such action will dramatically improve the well-being of dogs and create safer and more sanitary conditions in commercial breeding facilities.

USDA would not be alone if it promulgates this regulation. Several states already prohibit stacking outright, while others limit the number of levels cages can be stacked.<sup>93</sup> Moreover, enforcing this regulation would not be challenging or time-consuming, because visual inspections can readily determine whether cages are stacked.

### **D. Temperature Regulation**

#### 1. The Current Regulations Allow for Dogs to Be Kept in Harmful Conditions for Extended Periods of Time

The current regulations set insufficient bounds on ambient temperatures in housing facilities. For indoor and sheltered housing facilities, temperatures cannot fall below 45 °F (or 50 °F for some species) and cannot go above 85 °F for more than four consecutive hours.<sup>94</sup> Only dogs that are acclimated to prevalent temperatures can be kept outdoors. For dogs whose acclimation status is unknown, they cannot be kept outdoors if temperatures fall below 50 °F. There is no upper temperature limit for outdoor housing.<sup>95</sup> Auxiliary ventilation such as fans or air conditioning must be provided when temperatures are at or above 85 °F.<sup>96</sup> When temperatures drop below 50 °F, means of preserving body heat must be provided.<sup>97</sup>

<sup>93</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>94</sup> 9 C.F.R. §§ 3.2(a), 3.3(a).

<sup>95</sup> 9 C.F.R. § 3.4(a).

<sup>96</sup> 9 C.F.R. §§ 3.2(b), 3.3(b).

<sup>97</sup> 9 C.F.R. §§ 3.2(a), 3.3(a).

These regulations are clearly insufficient to prevent harm to dogs. Under these standards, breeders can let dogs live in extremely uncomfortable conditions for 3 hours and 59 minutes at a time indoors, and for even longer periods of time outdoors. “Maintenance of body temperature within normal circadian variation is necessary for animal well-being. Animals should be housed within temperature and humidity ranges appropriate for the species, to which they can adapt with minimal stress and physiologic alteration.”<sup>98</sup> While varying somewhat by breed, the recommended ambient temperature for most dogs is 64-84 °F.<sup>99</sup>

One major problem with the current regulations is that they allow for temperatures well outside of a dogs comfortable range to persist for a very significant portion of time. Most dogs can be housed at 45 °F indefinitely, which is already a cold temperature for many dogs, especially for prolonged periods of time. Theoretically, dogs can be kept in freezing temperatures for up to 4 hours if some bedding is provided. Conversely, heavily coated dogs that do not deal well with higher temperatures can be kept in temperatures of 84 °F without any additional measures, and even at higher temperature for hours with only fans required to cool them down; when they are outside, fans are not required at all. Large-scale breeders have shown time and again that the temperature regulations are insufficient, as inspectors have found dogs nearly frozen in cold temperatures or dehydrated in hot temperatures.<sup>100</sup>

<sup>98</sup> U.S. Dep’t of Health & Hum. Servs., Pub. Health Serv., Nat’l Inst. of Health, Guide for the Care and Use of Laboratory Animals 43 (8th ed. 2011), <http://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf>.

<sup>99</sup> *Id.*; see also K. Manner, *Energy Requirement for Maintenance of Adult Dogs*, 121 J. Nutrition S37 (1991) (noting that the upper critical temperature, depending on the dog, can be as low as 60-78 °F).

<sup>100</sup> For a collection of inspection reports that show the most egregious circumstances, including dogs kept in frigid or very hot conditions, see Humane Society of the U.S., *The Horrible Hundred 2015: A Sampling of Problem Puppy Mills in the United States* 7, 9, 12-16, 20-21, 23-29 (2015), <http://www.humanesociety.org/news/news/2015/04/horrible-hundred-2015.pdf> [hereinafter Horrible Hundred 2015].



Wire flooring exacerbates these problems, particularly for cold temperatures. As discussed above,<sup>101</sup> dogs housed in wire flooring enclosures do not have shelter from drafts, and without solid flooring have a much more difficult time staying warm in colder temperatures.

**2. The Regulations Need to Be Amended to Prevent Harm to Dogs from Extreme Temperatures**

To prevent harm to dogs, the agency must at the very least eliminate the four-hour rule from 9 C.F.R. §§ 3.2 and 3.3, which is a loophole that allows inhumane, commercial breeders to save money by letting the dogs suffer through hours of bad conditions and severe discomfort. At a minimum, temperatures should be required to simply be kept between 45 or 50 °F (depending on the dog breed) and 85 °F.<sup>102</sup> Similarly, dogs whose acclimation status is unknown should also only be kept outside when temperature are within this range. Such a regulation would have the additional advantage of being easily measureable and enforceable: currently, an inspector would not necessarily be able to easily enforce the four-hour period, as the inspector might not know how long a dog has already been subjected to the temperature extremes at any given point in time.

**IV. CANINE HEALTH AND WELFARE IN COMMERCIAL BREEDING FACILITIES**

**A. Inhumane Breeding Practices**

There are currently no rules in the USDA's regulations that restrict breeding practices for commercial breeding facilities other than the vague and unenforceable requirement that the dogs be generally healthy and supervised by a veterinarian.<sup>103</sup> The current regulations do not

<sup>101</sup> See *supra* note 49 and Section III.A.

<sup>102</sup> See, e.g., Mo. Code Regs. Ann. tit. 2, § 30-9.030(2)(B)4.B.(I)(b) (requiring temperatures to be maintained between 45 and 85 °F if a dog is not provided an outside exercise area); Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>103</sup> 9 C.F.R. § 2.40 (2015).

adequately address (A) breeding frequency, (B) age for initial breeding, (C) breeding practices concerning inheritable health defects, (D) the specific veterinary needs of breeding dogs, or (E) cesarean sections and other invasive surgeries.

1. Overbreeding

a. Overbreeding Is Detrimental to the Dogs' Health

To maximize profits, many large, inhumane, commercial breeding facilities breed their female dogs every time the dogs are in heat, often regardless of the dogs' health.<sup>104</sup> This constant breeding is exhausting for the females and has negative impacts on their health; for instance, anecdotally, HSUS has observed during rescues and raids of breeding facilities that mother dogs frequently have dental disease or missing teeth, potentially due to calcium deficiency from continual nursing and pregnancy.<sup>105</sup> Multiple organizations have consequently issued guidelines recommending against the constant breeding of females. For example:

- The American College of Theriogenologists (“ACT”) and the Society for Theriogenology (“SFT”) recommend that breeding females not be bred on consecutive estrous cycles unless they have regained appropriate body condition and “are deemed healthy on the basis of veterinarian examination prior to the onset of the next proestrus.”<sup>106</sup>
- The American Humane Association (“AHA”) has recommended that dogs not be bred more than five times in a lifetime.<sup>107</sup>
- Guide Dogs UK’s Breeding Code of Ethics states that a female can only have consecutive litters in the middle of her breeding career, and only if a

<sup>104</sup> HSVMA Report, *supra* note 32, at 1.

<sup>105</sup> Cf. NIH Osteoporosis & Related Bone Diseases Nat’l Res. Ctr., *Pregnancy, Breastfeeding, and Bone Health* (Jan. 2012), [http://www.niams.nih.gov/Health\\_Info/Bone/Bone\\_Health/Pregnancy/default.asp#a](http://www.niams.nih.gov/Health_Info/Bone/Bone_Health/Pregnancy/default.asp#a) (noting that in humans, pregnant mothers must take in sufficient calcium or the baby will draw on the calcium from the mother’s bones).

<sup>106</sup> Soc’y for Theriogenology, *SFT/ACT Position Statements: Welfare of Breeding Dogs*, <http://www.therio.org/?page=PositionStatement#Welfare> (last visited Dec. 5, 2014) [hereinafter SFT Position Statement].

<sup>107</sup> Email and attachment from Patricia N. Olson, Chief Veterinary Advisor, Am. Humane Ass’n, to various recipients including Melanie Kahn, Humane Soc’y (July 2012) (on file with Petitioner the HSUS) [hereinafter Am. Humane Ass’n Breeding Protocol].

“satisfactory veterinary check” has been conducted.<sup>108</sup> The Breeding Code of Ethics further imposes a maximum amount of litters in a dog’s lifetime (four to five).

- The Chartered Institute of Environmental health (CIEH) limits the number of litters during each female’s lifetime to six and requires a rest period of at least 12 months between litters.<sup>109</sup>
- The AKC has stated that it is customary to avoid breeding a female on consecutive heats, which it described as necessary to allow the dog to recuperate.<sup>110</sup>
- A similar organization in Sweden, the Svenska Kennelklubben (“Swedish Kennel Club”), provides the following guidelines in its Code of Ethics to protect dogs against the harms from overbreeding:
  - If the female has two litters within 12 months, then she must have 12 months of rest.
  - If the female is over seven years old, then she must have at least 12 months rest between litters and must be examined before breeding. Females over ten years old may not be bred.
  - A female should not give birth to more than five litters in a lifetime.<sup>111</sup>

The majority of the top ten breed clubs representing the most popular breeds in the United States, as well as many other breed clubs, similarly advise against overbreeding female dogs. For example:

- The National Labrador Retriever Club instructs that a female “should not be allowed to produce an excessive number of litters. Sufficient time should be allowed between litters for the bitch to recuperate.”<sup>112</sup>

<sup>108</sup> Guide Dogs (UK), *A Breeding Code of Ethics* (June 27, 2014), <https://m.guidedogs.org.uk/aboutus/national-breeding-centre/nbc-revealed/breeding-code-of-ethics/> (last visited Aug. 18, 2015).

<sup>109</sup> CIEH Model License Conditions and Guidance for Dog Breeding Establishments 20 (2014), [hereinafter CIEH Model License]. CIEH is a registered charity and the professional voice for environmental health based in London. See CIEH, *About the CIEH*, [http://www.cieh.org/about\\_us.html](http://www.cieh.org/about_us.html) (last visited Aug. 19, 2015).

<sup>110</sup> AKC, *A Guide to Breeding Your Dog* 9 (2007), [https://images.akc.org/pdf/breeders/resources/guide\\_to\\_breeding\\_your\\_dog.pdf](https://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf). It further states that “One month before breeding, the bitch should have a thorough pre-breeding physical examination by a veterinarian.”

<sup>111</sup> Svenska Kennelklubben, *Code of Ethics, Breeding Policy, Ethical Guidelines* §§ 3:4-3:5 (2015), <http://www.sk.se/Global/Dokument/Om-SKK/S7-SKK-Code-of-ethics-2015.pdf>.

- The German Shepherd Dog Club of America requires that its members pledge to never permit their females to produce three consecutive litters unless advised otherwise by a veterinarian.<sup>113</sup>
- The National Beagle Club recommends that no female have an excessive number of litters nor be mated in successive seasons without regard to her health.<sup>114</sup>
- The American Boxer Club, Inc.’s Code of Ethics states that females “should not whelp more than twice in any three consecutive estrus cycles.”<sup>115</sup>

A variety of states have also passed laws restricting continuous breeding.<sup>116</sup>

b. New Regulations Are Necessary to Prevent Constant Breeding of Females and to Ensure the Health and Safety of Breeding for Both Males and Females

USDA should add language under 9 C.F.R. Part 3, Subpart A and 9 C.F.R. § 2.40(b), to require that breeding females receive adequate rest between litters to allow for physical recovery and to require examinations to ensure the health of breeding dogs. Specifically, the regulations should restrict breeding to a maximum of two litters per 18-month period, and no more than six litters per each female’s lifetime. And, regardless of whether it decides to adopt this rule, USDA should also add an independent regulation requiring a veterinarian to document that each breeding dog is healthy, including a body condition score of at least 3, and free of communicable diseases and hereditary or congenital disorders or other conditions that may be exacerbated by breeding, pregnancy, or whelping at least at each annual physical exam, but ideally prior to each attempt to breed if that occurs more often than annually. For male dogs, such an exam should

<sup>112</sup> Nat’l Labrador Retriever Club, *Code of Ethics* (Feb. 20, 2005),

<http://s87153149.onlinehome.us/NLRCethics2.html> (last visited Aug. 18, 2015).

<sup>113</sup> German Shepherd Dog Club, *Breeder’s Code*, <http://www.gsdca.org/join-the-gsdca/breeders-code> (last updated Aug. 7, 2015).

<sup>114</sup> Beagle Club, *Code of Ethics*, [http://www.thebeagleclub.org/?THE\\_BEAGLE\\_CLUB:Code\\_of\\_Ethics](http://www.thebeagleclub.org/?THE_BEAGLE_CLUB:Code_of_Ethics) (last visited Aug. 30, 2015).

<sup>115</sup> Am. Boxer Club, *Code of Ethics* (Sept. 16, 2005), <http://americanboxerclub.org/ethics.html> (last visited Aug. 18, 2015).

<sup>116</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

include an evaluation for prostate and testicular disease. For female dogs, such an exam should include an evaluation for pyometra and mammary neoplasia.

This regulation would not add any burden on inspectors. Breeding facilities are already required to keep veterinary records and logs about litters. USDA inspectors could easily review these documents and records of sales to determine compliance.

## 2. Breeding Ages

### a. It Is Harmful to Breed Females at Young Ages

Current USDA regulations do not regulate the age at which commercial breeding facilities may start breeding female dogs. As a result, many commercial breeding facilities begin breeding their females as young as possible to maximize their profits. However, breeding dogs at young ages can be detrimental to their health.

Breeding young female dogs, who are still skeletally immature and/or very small, can predispose them to health risks such as dystocia caused by fetopelvic disproportion.<sup>117</sup> This occurs when the fetus is too large for the pelvic opening, and can cause difficult delivery or even make vaginal delivery impossible. It is therefore best to delay breeding a female until she is skeletally mature, which occurs around 18 months of age.<sup>118</sup>

Of the 115 breed-specific clubs in the United States reviewed for purposes of drafting this Petition, almost all specify a minimum age for breeding females, and many also specify maximum breeding ages to ensure the health of the breeding dogs.<sup>119</sup> Notably, more than 80 of these clubs require the female dogs to be at least 18 months old before they are first bred. Of

<sup>117</sup> Peter G. G. Jackson, *Handbook of Veterinary Obstetrics* 141 (2nd ed. 2004).

<sup>118</sup> *Id.*

<sup>119</sup> See Table of Breed Clubs' Rules Regarding Breeding Ages and Frequency (Exhibit H). Maximum breeding ages differ somewhat by breed, but most organizations agree that dogs should not be bred at old age. See, e.g., Am. Kennel Club, *Responsible Breeding: Guide to Breeding*, Step Seven, <http://www.akc.org/dog-breeders/responsible-breeding/> (last visited Sept. 16, 2015) (not allowing registration of litters of which either parent was over 12 years of age at the time of mating).

these clubs, a majority impose an even stricter requirement, setting the minimum breeding age at two years. For example:

- The Yorkshire Terrier Club of America prohibits breeding females before their second heat or before they are at least 18 months of age, whichever comes first.<sup>120</sup>
- The American Boxer Club's Code of Ethics states that females should not be bred before the age of 18 months.<sup>121</sup>
- The American Rottweiler Club's Code of Mandatory Practices requires that females be bred only after reaching two years of age or older.<sup>122</sup>

Similarly, the UK Advisory Council on the Welfare of Dog Breeding has issued standards stating that all dogs must be at least two years old before they are used for breeding.<sup>123</sup> In addition, multiple states have laws requiring that dogs be at least a minimum age before being bred.<sup>124</sup>

b. New Regulations Are Necessary to Prevent Harm to Breeding Dogs Who Are Too Young or Too Old

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to require that females be at least 18 months old before they are first bred. USDA should also consider setting a higher minimum age, such as two years, for larger breeds.

To monitor compliance, USDA inspectors could review the logs and veterinary records dealers are already required to keep to determine if a commercial breeding facility is compliant with the age restrictions.

<sup>120</sup> Yorkshire Terrier Club, *Code of Ethics*, [http://www.theyorkshireterrierclubofamerica.org/sharedobjects/docs/COE\\_COC.pdf](http://www.theyorkshireterrierclubofamerica.org/sharedobjects/docs/COE_COC.pdf) (last visited Aug. 30, 2015).

<sup>121</sup> Am. Boxer Club, *supra* note 115.

<sup>122</sup> Am. Rottweiler Club, *Membership Application & Mandatory Practices*, <http://www.esmondrott.com/arcmem.pdf> (last visited Aug. 30, 2015).

<sup>123</sup> Advisory Council on Welfare Issues of Dog Breeding, *Standard for Breeding Dogs 7*, <http://www.dogadvisorycouncil.com/resources/breeding-standard-final.pdf> (last visited Aug. 30, 2015) [hereinafter Advisory Council Standards].

<sup>124</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

### 3. Inheritable Health Defects

#### a. Current Regulations Do Not Protect Against Breeding Dogs With Common Inheritable Health Defects

USDA's current regulations do not impose any requirements for screening for inheritable health defects, and commercial breeding facilities frequently do not screen for such disorders before breeding their dogs. It should therefore come as no surprise that approximately one-third of all reported problems from puppy buyers indicate that their dogs suffer from at least one significant congenital or inheritable condition. More importantly, the cost to consumers of treating inheritable disorders can climb into the thousands of dollars. For example, surgery to correct hip dysplasia, common in Labradors, Golden Retrievers, English Bulldogs, and Rottweilers, can cost between \$4,400 and \$4,700.<sup>125</sup>

There are at least 334 known congenital and inheritable disorders affecting more than 180 different dog breeds.<sup>126</sup> These include diseases that cause severe symptoms affecting the blood; skin; or cardiovascular, endocrine, immune, gastrointestinal, musculoskeletal, nervous, respiratory, urinary, or reproductive systems.<sup>127</sup>

Many animal protection and breeding organizations worldwide recommend or require screening and restrictions on breeding to avoid hereditary disease. For example:

- The Federation Cynologique Internationale (“FCI”) International Breeding Rules, effective in 89 countries, state that breeding can only be carried out with dogs who are healthy in functional and hereditary terms.<sup>128</sup>
- The SFT explains that dogs should be evaluated for hereditary disorders and other diseases before breeding.<sup>129</sup>

<sup>125</sup> Humane Soc’y, *Puppy Buyer Complaints, A Five Year Summary. 2007-2011*, 2 (2012), [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/puppy\\_mill\\_buyer\\_complaints.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy_mill_buyer_complaints.pdf) (listing complaints); ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4 (calculating cost to consumers).

<sup>126</sup> HSVMA, *Guide to Congenital and Heritable Disorders in Dogs* 4-40 (rev. May 2011), <http://www.hsvma.org/assets/pdfs/guide-to-congenital-and-heritable-disorders.pdf>.

<sup>127</sup> Advisory Council Standards, *supra* note 123, at 1.

<sup>128</sup> Fed’n Cynologique Int’l, *International Breeding Rules of the F.C.I.* (2013), <http://www.fci.be/medias/ELE-REG-en-448.pdf>.

- The UK Advisory Council on the Welfare of Dog Breeding issued standards for breeding dogs which state that breeding stock must be selected based on the dogs’ “physical and genetic health.” The standards further state that breeding dogs must be examined prior to mating and certified to be free of any inherited defect apparent on physical examination. Where tests for inherited disease are available, the standards require that the dogs be tested and re-tested as appropriate.<sup>130</sup>
- The Animal Welfare Code of Practice Guidelines for dogs and cats issued by the Australian state of New South Wales states that, where an inheritable disease is recognized, the person in charge should try to ensure that the genetic make-up of the female and males will not result in an increase in the frequency or severity of known inherited disorders.<sup>131</sup>
- The American Rottweiler Club’s Code of Mandatory Practices requires that members breed only females who have been certified as free of communicable diseases, having normal hips, and in good health.<sup>132</sup>

b. New Regulations Are Necessary to Require Screening for Inheritable Diseases and to Prevent the Breeding of Affected Dogs

USDA should amend 9 C.F.R. § 2.40(b) and add a section under 9 C.F.R. Part 3, Subpart A, requiring the development of a reasonable screening program to test for known prevalent inheritable diseases for the breed at issue, and prohibiting the breeding of any dogs known to have inheritable or potentially disabling health defects that are likely to significantly affect the lifespan or quality of life of the offspring or cause suffering to the breeding dog. Breeders would be required to include records of all testing for genetic conditions within each dogs’ veterinary records, through which USDA inspectors would be able to ascertain compliance.

<sup>129</sup> SFT Position Statement, *supra* note 106.

<sup>130</sup> Advisory Council Standards, *supra* note 123, at 5-6.

<sup>131</sup> Ross Burton, Animal Welfare Branch, State of New S. Wales (Austl.), *Animal Welfare Code of Practice – Breeding Dogs and Cats* (Aug. 2009), [http://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf](http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf) (specifically, Guideline 10.1.2, Breeding and Rearing).

<sup>132</sup> Am. Rottweiler Club, *supra* note 122.



#### 4. Veterinary Screenings for Breeding Dogs

##### a. Current Regulations Do Not Provide for the Specific Veterinary Needs of Breeding Dogs

Currently, regulations do not require hands-on veterinary examinations for breeding animals, do not specify the frequency with which veterinary examinations should occur, and do not take into account the unique needs of intensively bred animals. Dogs bred intensively are under great physical stress and face serious health conditions that require frequent, hands-on veterinary care. Commercial facilities typically breed dogs beginning with their first heat cycle and continue, usually at every heat cycle regardless of health until the dog can no longer reproduce. Frequent pregnancy without regular veterinary care jeopardizes maternal and fetal health.

USDA inspectors regularly inspect commercial breeding facilities and often photograph the violations they see. Their inspection reports and photographs depict breeding dogs suffering from cruelty and neglect as a result of lack of veterinary care.<sup>133</sup> These dogs are painfully emaciated, malnourished, and suffering from the telltale signs of neglect—dental disease, eye infections, skin infections, and matted coats. Regulations must ensure that breeding animals receive basic veterinary care to maintain good health during pregnancy. Exhibit J provides additional detail concerning the need for regular, hands-on veterinary care for breeding dogs to ensure the health of these animals.

##### b. New Regulations Are Necessary to Provide for the Specific Veterinary Needs of Breeding Dogs

The Agency should add a section under 9 C.F.R. Part 3, Subpart A, providing that no dog may be bred unless a licensed veterinarian has certified that the dog is free from health conditions that may be disabling or likely to significantly affect the lifespan or quality of life of

<sup>133</sup> Photographs of Dogs Found in Poor Condition (Exhibit D-4).

the offspring. USDA should also amend 9 C.F.R. § 2.40 to require that all breeding female dogs must be examined at least at each annual exam for any communicable disease or other condition that would be exacerbated by breeding, pregnancy, or whelping, including pyometra and mammary neoplasia.<sup>134</sup> Such females should also be determined by a veterinarian to have a body condition score of at least 3 to ensure a healthy pregnancy and whelping. Male breeding dogs should be evaluated for prostate and testicular disease.<sup>135</sup> The attending veterinarian should certify at each exam that the breeding dog has been examined according to the above criteria. To allow inspectors to track the breeding dog's health over time, and ensure enforceability of the regulations, reports of veterinary exams should be retained for at least three years.

**B. Unlicensed Practice of Veterinary Medicine, Including Canine Cesarean Sections**

**1. Cesarean Sections and Other Surgeries Are Very Risky When Performed Without Proper Skill or Supervision**

There is currently no federal regulation affirmatively requiring that canine cesarean sections, or for that matter any surgeries, be performed by or under the supervision of a veterinarian or other trained professional.<sup>136</sup> The canine cesarean section is a particularly complex procedure, often requiring pre-operative correction of electrolyte abnormalities, fluid resuscitation, and evaluation for hypovolemic shock. Proper treatment generally requires two highly trained teams, able to work with speed and precision.<sup>137</sup>

<sup>134</sup> SFT Position Statement, *supra* note 106.

<sup>135</sup> *Id.*

<sup>136</sup> Although most state laws prohibit the practice of veterinary medicine without a license, and as such this practice would be prohibited in most states, there is no federal law specifically addressing this issue. See AVMA, *State Summary Report: Sanctions for Unauthorized Practice of Veterinary Medicine* (Sept. 2011), <https://www.avma.org/Advocacy/StateAndLocal/Pages/scope-unauthorized-practice.aspx>.

<sup>137</sup> Anthony Kahn & Jill Sammarco, *Cesarean Section in Dogs: Indications, Techniques*, DVM360 Magazine (May 1, 2007), <http://veterinarynews.dvm360.com/dvm/Medicine/Cesarean-section-in-dogs-indications-techniques/ArticleStandard/Article/detail/430422>.

Canine cesarean sections are also extremely challenging and risky because their anesthesia protocols cannot be standardized across all breeds and sizes of dogs. They must therefore be performed by a licensed veterinarian who is qualified to make the call about anesthesia and who has access to the anesthesia drugs.<sup>138</sup>

Improper care before, during, or after a canine cesarean section can lead to severe infection of the mother and even the death of the puppies.<sup>139</sup> At least one national breed club has recognized these major risks and therefore requires that canine cesarean sections only be performed with the concurrence of a veterinarian.<sup>140</sup>

Despite the significant risks to the females and the puppies, staff at some inhumane, commercial breeding facilities attempt to practice veterinary medicine without a license, including performing surgical births. Although canine cesarean sections are the primary problem, Petitioners are aware of circumstances where breeders have performed other invasive surgeries without a license. For instance, a Missouri breeder admitted to a USDA inspector that she has performed surgeries such as “ear crops, umbilical hernia repairs, inguinal hernia repairs, ‘nares snipped’, neuters, dew claw removals, ovariohysterectomies, and Caesarian sections.” These procedures were performed in unsanitary rooms.<sup>141</sup> This breeder continues to hold a state license, showing that state law is clearly insufficient to deter these practices.

<sup>138</sup> See G.J. Benson & J.C. Thurmon, *Anesthesia for Cesarean Section in the Dog and Cat*, 65 *Modern Vet. Prac.* 29, 29-32 (1984).

<sup>139</sup> See *Activists and Officials Target Puppy Mills*, USA Today, Jan. 1, 2010, [http://usatoday30.usatoday.com/news/nation/2010-01-11-puppy-mills\\_N.htm](http://usatoday30.usatoday.com/news/nation/2010-01-11-puppy-mills_N.htm); see also HSVMA Report, *supra* note 32, at 2.

<sup>140</sup> Yorkshire Terrier Club, *supra* note 120.

<sup>141</sup> U.S. Dep’t of Agric., APHIS, Inspection of John & Sharlette Tidwell, Certif. 43-B-0441 (Dec. 2009) (cancelled), <http://michiganpuppymills.com/tfpinspectiondetails.php> (Exhibit I-8 (excerpts)).

2. New Regulations Are Necessary to Ensure Only Veterinarians Perform Cesarean Sections and Other Surgeries

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to affirmatively require that canine cesarean sections and other surgeries be performed only by licensed veterinarians. Federal regulation is necessary to create uniformity on the unlicensed practice of veterinary medicine, and to allow for more consistent inspection and prevention of such dangerous practices.

C. **Preventive Care: Vaccinations, Physical Examinations, Grooming, and Dental Care**

There are currently no USDA regulations specifically addressing vaccination or other preventive care for dogs in commercial breeding facilities. The existing regulations only require “appropriate methods to prevent” diseases and injuries as part of “adequate veterinary care.”<sup>142</sup> This vague and unenforceable requirement is insufficient to protect the health of the dogs and to adequately prevent disease transmission to other dogs. Veterinary care violations are the number one reason USDA-regulated dog breeders receive citations. Thirty-four percent of all licensed dog breeders have received one or more veterinary care citations and fifteen percent of all dog breeders have received multiple violations.<sup>143</sup>

1. Vaccines and Other Preventive Medical Treatment

a. Existing Regulations Are Insufficient to Protect Animal Welfare

It is well-known that a set of core vaccines and other preventive treatments almost entirely prevent dangerous and frequently fatal diseases in dogs. For instance:

<sup>142</sup> 9 C.F.R. § 2.40(b)(2).

<sup>143</sup> ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4. Petitioners emphasize the potentially wide-ranging danger of a lack of proper vaccination; in one case, 1,200 dogs had to be put down after canine distemper spread when dogs originating at a Kansas breeder ended up in Wyoming pet stores. Amy Worden, *1,200 Dogs in Kansas Kennel Euthanized in Distemper Outbreak*, *The Inquirer*, (Oct. 17, 2013), [http://www.philly.com/philly/blogs/pets/1200\\_dogs\\_euthanized\\_in\\_distemper\\_outbreak.html](http://www.philly.com/philly/blogs/pets/1200_dogs_euthanized_in_distemper_outbreak.html).

- Rabies' mortality rate is as high as 93% in unvaccinated puppies.<sup>144</sup> Vaccination entirely eliminates the risk of contracting and dying from this disease.<sup>145</sup>
- Canine distemper virus ("CDV") infection leads to death in up to 50% of infected animals and can spread easily to dogs in pet stores outside the community where the breeding facility is located. Yet a single dose of the vaccination creates complete immunity in more than 99% of animals, with a duration between three years and a lifetime. CDV has been almost completely eradicated in areas where vaccination is common, but easily spreads when unvaccinated, infected dogs get transported across state lines.<sup>146</sup>
- Canine parvovirus is one of the most common causes of diarrhea in puppies under six months of age, such as those in inhumane, commercial breeding facilities before sale.<sup>147</sup> Without intensive veterinary intervention, infections are almost always fatal.<sup>148</sup> Even with the best post-infection treatment, parvovirus still has a 10-15% mortality rate.<sup>149</sup> Vaccination, however, prevents infection entirely.<sup>150</sup>
- Canine adenovirus has a mortality rate of 10-30% generally, and an even higher mortality rate in young puppies.<sup>151</sup> Vaccines entirely prevent the disease and create immunity for three years or longer.<sup>152</sup>

Clearly, preventive care saves dogs' lives and prevents pain and suffering due to infection. Moreover, preventive care is cost effective: it is less expensive to vaccinate a dog than

<sup>144</sup> Ernest S. Tierkel, *Canine Rabies*, 1 *The Natural History of Rabies* 123, 124 (1975).

<sup>145</sup> S. Cleaveland et al., *A Dog Rabies Vaccination Campaign in Rural Africa: Impact on the Incidence of Dog Rabies and Human Dog-Bite Injuries*, 21 *Vaccine* 1965 (2003).

<sup>146</sup> Sandra Newbury et al., *Canine Distemper Virus*, in *Infectious Disease Management in Animal Shelters* 161, 161-67 (Lila Miller & Kate Hurley eds., 2009); *see also* Worden, *supra* note 143 (reporting on large distemper outbreak across states); Press Release, Humane Soc'y, *Puppies Infected With Distemper Linked to Two Pet Stores in Illinois* (Jan. 19, 2012), [http://www.humanesociety.org/news/press\\_releases/2012/01/puppies\\_infected\\_with\\_1192012.html](http://www.humanesociety.org/news/press_releases/2012/01/puppies_infected_with_1192012.html) (same).

<sup>147</sup> Lila Miller, Vice President Veterinary Outreach, ASPCA, *Canine Parvovirus*, <http://www.aspcapro.org/parvo> (last visited Nov. 18, 2014).

<sup>148</sup> Colo. State Univ. Coll. of Vet. Med. & Biomed. Scis., *New Protocol Gives Parvo Puppies a Fighting Chance When Owners Can't Afford Hospitalization*, <http://csu-cvms.colostate.edu/pages/parvo-puppies-new-protocol.aspx> (last visited Nov. 5, 2014).

<sup>149</sup> *Id.*

<sup>150</sup> *See, e.g.*, Jose Angel Lopez de Turiso et al., *Recombinant Vaccine for Canine Parvovirus in Dogs*, 66 *J. Virology* 2748, 2748-53 (1992).

<sup>151</sup> Kate E. Creevy, *Overview of Infectious Canine Hepatitis*, *The Merck Veterinary Manual* (Cynthia M. Kahn & Scott Line eds. 10th ed., 2010), [http://www.merckmanuals.com/vet/generalized\\_conditions/infectious\\_canine\\_hepatitis/overview\\_of\\_infectious\\_canine\\_hepatitis.html](http://www.merckmanuals.com/vet/generalized_conditions/infectious_canine_hepatitis/overview_of_infectious_canine_hepatitis.html).

<sup>152</sup> *Id.*

to provide medical treatment post-infection. For example, the prevention of heartworm through a once-a-month medication is much cheaper and more effective than treating this disease post-infection.<sup>153</sup> The standard treatment for a dog that is not given preventive care and becomes sick is a series of costly injections, lab work, hospitalization, and pain medication.<sup>154</sup>

Not only does preventive care save dog lives in a cost-effective manner; it also saves human lives. Worldwide, dogs are the source of 99% of human rabies infections.<sup>155</sup> Reducing rabies in the canine population reduces the number of potential human rabies deaths, making vaccination of animals the most cost-effective method of preventing rabies in humans:<sup>156</sup> vaccinating dogs is up to 55 times less expensive than vaccinating or treating humans for rabies.<sup>157</sup> Vaccinating dogs for rabies and other diseases is thus more than merely a way to help ensure that consumers receive healthy dogs. It is also a “comparatively inexpensive and ethical way” to control rabies in both dogs and in humans.<sup>158</sup>

Despite the known effectiveness of preventive care, commercial breeding facilities are not currently required to have veterinarians inspect or vaccinate their dogs on a regular basis. It is all too common for preventable and deadly diseases to sweep through breeding facilities

<sup>153</sup> Am. Heartworm Soc’y, *Heartworm Basics*, <https://www.heartwormsociety.org/pet-owner-resources/heartworm-basics> (last visited Sept. 1, 2015); *see also* ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

<sup>154</sup> Am. Heartworm Soc’y, *Heartworm Basics*, <https://www.heartwormsociety.org/pet-owner-resources/heartworm-basics> (last visited Sept. 1, 2015).

<sup>155</sup> *Rabies Vaccines: WHO Position Paper*, 32 Wkly. Epidemiological Rec. 309, 310 (Aug. 6, 2010).

<sup>156</sup> Jacob Zinsstag et al., *Human Benefits of Animal Interventions for Zoonosis Control*, 13 Emerging Infectious Diseases 527 (2007); K. Bögel & F.X. Meslin, *Economics of Human and Canine Rabies Elimination: Guidelines for Programme Orientation*, 68 Bull. WHO 281, 282 (1990).

<sup>157</sup> Michael Greenwood, *Canine Vaccinations Effective Deterrent to Rabies in Africa*, YaleNews (Jan. 21, 2014), <http://news.yale.edu/2014/01/21/canine-vaccinations-effective-deterrent-rabies-africa> (last visited Aug. 18, 2015).

<sup>158</sup> *See* Zinsstag, *supra* note 156.

unchecked because inhumane, commercial breeders do not provide their dogs with adequate preventive care.<sup>159</sup>

b. The Regulations Need to Be Amended to Require Vaccinations and Other Preventive Care

The Agency should amend 9 C.F.R. § 2.40(b) to require specific preventive care by veterinarians to ensure that dogs in commercial breeding facilities receive the necessary care routinely prescribed to companion animals. For every dog at a commercial breeding facility, the regulation should require: (1) a hands-on examination by a veterinarian, including a comprehensive physical examination, dental assessment, body condition scoring, and pain assessment, at least once a year to ensure health problems are identified and treated;<sup>160</sup> (2) core vaccinations recommended by the then-current version of the AAHA Canine Vaccination Guidelines to prevent diseases; and (3) medication to prevent infestation by intestinal parasites, heartworm, fleas, and ticks. All examinations must be documented by the veterinarian. Documentation must be maintained by the breeder for a period of three years and made available to APHIS inspectors upon request.

Various animal protection and breeding organizations already recommend preventive treatment as the best practice to maintain dogs' health. For instance, the American Animal Hospital Association, AVMA, and the World Small Animal Veterinary Association all recommend that every dog receive the four core vaccines: rabies, distemper, parvovirus, and adenovirus.<sup>161</sup> ASPCA similarly recommends vaccinating dogs with the core vaccinations plus the hepatitis vaccination and others, depending on exposure risk. It also recommends heartworm

<sup>159</sup> See HSVMA Report, *supra* note 32, at 5 (“Overcrowded conditions can cause one sick dog to infect many other dogs relatively quickly and easily.”); Worden, *supra* note 143; Humane Soc’y, *supra* note 146.

<sup>160</sup> Am. Animal Hosp. Ass’n & Am. Vet. Med. Ass’n, *AAHA-AVMA Canine Preventive Healthcare Guidelines* (2011), [https://www.aahanet.org/PublicDocuments/CaninePreventiveGuidelines\\_PPPH.pdf](https://www.aahanet.org/PublicDocuments/CaninePreventiveGuidelines_PPPH.pdf).

<sup>161</sup> *Id.*; Susan Dawson, *Guidelines for the Vaccination of Dogs and Cats*, 48 J. Small Animal Prac. 528, 529-532 (2007); see also Welborn et al., *supra* note 6, at 4-7.

treatment, among other preventive care.<sup>162</sup> In addition, as of 2010, 38 states had laws requiring rabies vaccinations for dogs.<sup>163</sup>

A regulation requiring preventive care including vaccinations would be easily enforceable if individual health records for every dog were maintained. Vaccination records are easy to keep; almost all individual dog owners already do so.

## 2. Grooming of Fur and Nails

The current regulations do not specifically require grooming, nail trimming, and other routine non-medical care, that is essential for dogs' well-being. Breeders are only required to "maintain programs of adequate veterinary care," including "daily observation."<sup>164</sup> And while USDA inspectors do cite facilities for inadequate grooming,<sup>165</sup> a regulation that specifically requires grooming would leave no room for dispute or ambiguity as to this mandate.

### a. Proper Grooming Is Necessary to Protect Animal Welfare

Most organizations, including Petitioners, agree that proper grooming is "essential to the health and comfort" of dogs and that a lack of grooming can cause significant health issues.<sup>166</sup> For instance, without proper nail trimming,<sup>167</sup> a dog's nails can grow too long and break, causing pain and possibly infection. If they do not break, they will curl and can become painfully

<sup>162</sup> ASPCA, *Pet Care: Vaccinations*, <http://www.aspc.org/pet-care/dog-care/vaccinations> (last visited Nov. 18, 2014); see also Soc'y for the Prevention of Cruelty to Animals Fla., *Vaccinations*, <http://www.spcflorida.org/vaccinations/> (last visited Nov. 18, 2014); ASPCA, *Pet Care: Heartworm*, <https://www.aspc.org/pet-care/dog-care/heartworm> (last visited Nov. 18, 2014).

<sup>163</sup> Ctrs. for Disease Control & Prevention, *Map of Vaccination Laws by State in the United States and Puerto Rico*, <http://www.cdc.gov/rabies/resources/publications/2009-surveillance/vaccination-laws.html> (last updated Nov. 29, 2010).

<sup>164</sup> 9 C.F.R. § 2.40(b).

<sup>165</sup> For examples of the most egregious violations, see Horrible Hundred 2015, *supra* note 100, at 9, 11, 28-29, 31-34.

<sup>166</sup> E.g., ASPCA, *Pet Care: Grooming Your Dog*, <http://www.aspc.org/pet-care/virtual-pet-behaviorist/dog-behavior/grooming-your-dog> (last visited Aug. 30, 2015).

<sup>167</sup> All dogs need at least their dewclaws trimmed, and many dogs need all of their nails trimmed, especially if they spend most of their time on surfaces which will not naturally wear down their nails, such as wire flooring. ASPCA, *Pet Care: Fear of Nail Trimming*, <http://www.aspc.org/pet-care/virtual-pet-behaviorist/dog-behavior/fear-nail-trimming> (last visited Aug. 30, 2015).



embedded in the dog's paw pads, leading to infection, or get caught in wire flooring and possibly ripped out when the dog tries to free herself. Overly long nails can also cause an irregular gait and skeletal damage.<sup>168</sup> Eleven percent of USDA veterinary care citations of dog breeders are for injured or over-grown nails.<sup>169</sup> Basic dental care, such as tooth brushing, should also be part of the grooming routine. As described in the next section, failure to do so could lead to serious dental disease.

A dog's hair can become so overgrown and matted without proper grooming that she may be unable to see, walk properly, or wag her tail.<sup>170</sup> There are many examples of dogs in inhumane, commercial breeding facilities that have hair matted with feces or matting that causes discomfort or skin conditions.<sup>171</sup> Twenty-eight percent of USDA veterinary care citations of dog breeders are for matting and hair loss.<sup>172</sup> Matted fur can also hide injuries from visual inspection.<sup>173</sup>

Proper grooming provides other key benefits. The physical contact during grooming can result in reduced heart rate and reduced stress, thereby positively influencing the emotional state and well-being of the dog (and, incidentally, the dog's groomer).<sup>174</sup> Grooming also serves as a way for the breeder to closely observe the dog and notice potential issues requiring veterinary attention that mere daily observation may not uncover.<sup>175</sup>

<sup>168</sup>

*Id.*

<sup>169</sup>

ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

<sup>170</sup>

See Bacon, *supra* note 7; Wayne Pacelle, *A Veterinarian's Prognosis for Stopping Puppy Mill Cruelty*, Huffington Post (Oct. 13, 2010, updated May 25, 2011), [http://www.huffingtonpost.com/wayne-pacelle/a-veterinarians-prognosis\\_b\\_762155.html](http://www.huffingtonpost.com/wayne-pacelle/a-veterinarians-prognosis_b_762155.html).

<sup>171</sup>

*A Horrible Hundred*, *supra* note 34, at 7-9 (various breeders).

<sup>172</sup>

ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

<sup>173</sup>

*A Horrible Hundred*, *supra* note 34, at 38 (when an inspector removed matted fur over an eye, he found an eye that was "completely closed, covered with a crusty brownish yellow material").

<sup>174</sup>

See Hannah E. Salvin et al., *Growing Old Gracefully – Behavioral Changes Associated with "Successful Aging" in the Dog*, *Canis Familiaris*, 6 *J. Vet. Behav.* 313, 318 (2011); Paul D. McGreevy et al., *The Reinforcing Value of Physical Contact and the Effect on Canine Heart Rate of Grooming in Different Anatomical Areas*, 18 *Anthrozoos* 236, 236-44 (2012).

<sup>175</sup>

ASPCA, *Pet Care: Grooming Your Dog*, *supra* note 166.

Despite proof that fur and nail grooming is necessary for the well-being of dogs, many large, inhumane, commercial breeding facilities fail to groom their dogs at adequate intervals, if ever.<sup>176</sup> Dogs rescued from some such facilities were never bathed, had knotted fur, and had feet stained by feces and urine.<sup>177</sup> A specific grooming requirement would leave no room for doubt that dealers are expected to groom their dogs' fur to prevent all matting and tangling (unless the breeds are short-coated and do not require fur grooming), and are expected to trim nails to prevent discomfort and injury.

b. New Regulations Are Necessary to Require Proper Grooming

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to require regular fur grooming and nail trimming as needed for the safety and comfort of the dog based on that dog's breed or at least twice a year, whichever is more frequent.<sup>178</sup> A variety of states and localities already have similar rules requiring basic grooming.<sup>179</sup> For example, Los Angeles County requires that animals be "groomed and kept in a manner which is not injurious to their health."<sup>180</sup> And many organizations, such as the AKC, recommend that dogs be groomed regularly for their health and comfort.<sup>181</sup>

A regulation requiring grooming would be easily enforceable and would reinforce existing obligations. Breeders are already required to provide "adequate veterinary care." Given

<sup>176</sup> Bacon, *supra* note 7; HSVMA Report, *supra* note 32, at 2.

<sup>177</sup> Kelly House, *After Rescue, Grooming and Medical Checkups, 41 Puppy Mill Rescue Dogs Are Ready for a New Home*, OregonLive (Dec. 12, 2010),

[http://www.oregonlive.com/portland/index.ssf/2010/12/after\\_rescue\\_grooming\\_and\\_medi.html](http://www.oregonlive.com/portland/index.ssf/2010/12/after_rescue_grooming_and_medi.html). APHIS inspectors do cite for matted fur and overgrown nails, especially in combination with other more severe problems, but that does not substitute for requiring adequate grooming to prevent dogs from developing such problems in the first place. *See A Horrible Hundred*, *supra* note 34 (giving examples of a variety of breeders cited for matted fur, including fur that was so matted that it was "a solid mass down to the skin").

<sup>178</sup> *See, e.g.*, Am. Humane Ass'n, *Grooming Your Pet*, <http://www.americanhumane.org/animals/adoption-pet-care/caring-for-your-pet/grooming-your-pet.html> (last visited Aug. 30, 2015) ("The frequency of professional grooming and haircuts varies depending on your dog's breed.").

<sup>179</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>180</sup> L.A. Cty., Cal., Code of Ordinances § 10.40.010(C) (2011).

<sup>181</sup> AKC Policy, *supra* note 64.

the skin infections, visual impairment, foot injuries, severe skeletal problems, fecal impaction, and other injuries that can result from a lack of grooming, proper grooming practices are arguably already required for adequate care. A stronger, more specific regulation on grooming would provide concrete guidance to commercial breeding facilities on what they are expected to do, and would allow USDA inspectors to spot and cite problems earlier in the process to prevent later significant health issues and discomfort.

### 3. Dental Care

#### a. Dental Care Is Necessary to Protect Animal Welfare

Periodontal disease is one of the most common physical examination findings in all age categories of dogs seen in private practice<sup>182</sup> and one of the most common veterinary care citations received by USDA-regulated dog breeders. Twenty-two percent of veterinary care citations received by dog breeders are for dental issues.<sup>183</sup>

Periodontal disease is a dynamic pathological condition which, in some cases, progresses to tooth loss. The associated gingivitis represents the dog's active-inflammation burden at the time of examination. Not only does this condition cause pain, sometimes severe, when allowed to go untreated, it also presents major health risks, including jaw fractures due to bone destruction and damage to organs, especially the kidneys, caused by chronic bacterial infection in the mouth.<sup>184</sup>

#### b. New Regulations Are Necessary to Ensure Dogs Receive Proper Dental Care

The Agency should add a new rule under 9 C.F.R. Part 3, Subpart A, to ensure proper dental care is provided to dogs. At a minimum, Petitioners recommend an explicit requirement

<sup>182</sup> Elizabeth M. Lund, *Health Status and Population Characteristics of Dogs and Cats Examined in Private Veterinary Practices in the United States*, 214 J. Am. Vet. Med. Ass'n 1336 (1999).

<sup>183</sup> ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

<sup>184</sup> J.E. Rawlinson et al., *Association of Periodontal Disease with Systemic Health Indices in Dogs and the Systemic Response to Treatment of Periodontal Disease*, 328 J. Am. Vet. Med. Ass'n 601 (2011).

that each annual hands-on veterinary exam include a thorough oral examination with subsequent treatment of identified problems and that teeth be cleaned or brushed when the dog is being groomed. Breeders should also perform frequent, reasonable preventive dental care. Tooth brushing is considered the best preventive measure for periodontal disease, but Petitioners recognize that circumstances may vary between breeders, so providing dental chews or other abrasive chewing materials may be adequate, depending on the dog breed.

#### **D. Exercise**

A new regulation requiring regular opportunity for exercise is necessary for the physical and emotional well-being of dogs in commercial breeding facilities, and to ensure that they are treated humanely. Despite strong scientific support for such a regulation and supportive statements in the AWA's legislative history, USDA has not yet promulgated a regulation requiring a minimum amount of exercise time for these dogs.

##### **1. The Existing Regulation Regarding Exercise Is Ineffective**

USDA's current regulations do not require commercial breeding facilities to provide adequate exercise for dogs. Section 3.8 of the regulations requires only that commercial breeding facilities have and follow a written plan created in consultation with their veterinarian providing "the opportunity for exercise."<sup>185</sup> This regulation provides for no minimum requirements at all and allows the breeder and veterinarian to be completely in charge of that decision. Presumably, a veterinarian could authorize a once a week exercise routine for the dogs, or even less frequently, as long as it takes place "regularly." Even if the written plan calls for routine opportunity for exercise, however, enforcement is essentially impossible. There is no way a USDA inspector can verify whether a dealer is in fact allowing the dogs to engage in the exercise called for in the plan. Moreover, the regulations state that dogs housed in groups need not be

<sup>185</sup> 9 C.F.R. § 3.8 (2014).

provided *any* other opportunity for exercise under certain circumstances depending on the size of their cages. In other words, if the commercial breeding facility provides a minimum amount of space in its cages—which currently may include wire flooring, may be stacked, and may be kept in darkness or harsh weather—then the facility is free to leave its dogs in their cages indefinitely, 24 hours a day, seven days a week. These dogs may never have the opportunity to run, roll around, sniff nature, or feel the sensation of solid ground under their feet.

This existing regulation, which allows a breeder’s veterinarian to have complete discretion over the minimum exercise requirements, and trades a minimum amount of space in a cage for an opportunity for real exercise, is completely insufficient to properly implement the AWA, including amendments intended in part “to provide for the exercise needs for dogs” and their “enhanced well-being,”<sup>186</sup> as discussed below.

## 2. Research Shows That Dogs Require a Consistent Opportunity for Exercise to Maintain Physical and Behavioral Health

The lack of a consistent opportunity for exercise causes physical injury. A lack of adequate exercise can lead to obesity, which in turn can lead or contribute to a host of other health problems. These can include orthopedic disease, type II diabetes mellitus, abnormalities in circulating lipid profiles, cardiorespiratory disease, urinary disorders, reproductive disorders, neoplasia (mammary tumors, transitional cell carcinoma), dermatological diseases, hypothyroidism, hyperadrenocorticism, insulinoma, and anesthetic complications.<sup>187</sup> Studies show that regular exercise for dogs, as with humans, is vital to maintain cardiovascular health.<sup>188</sup> Further, as discussed above in Section III.A, dog nails become overgrown if they do not have sufficient contact with solid surfaces, including through regular exercise.

<sup>186</sup> See Animal Welfare Standards, 56 Fed. Reg. at 6428.

<sup>187</sup> Alexander J. German, *The Growing Problem of Obesity in Dogs and Cats*, 136 J. Nutrition 1940S (2006).

<sup>188</sup> Georg Kojda & Rainer Hambrecht, *Molecular Mechanisms of Vascular Adaptations to Exercise. Physical Activity as an Effective Antioxidant Therapy?*, 67 Cardiovascular Res. 187, 188 & n.21 (2005).

In addition to physical harms, study after study shows that the sort of continuous spatial restriction and confinement allowed under the current regulations in commercial breeding facilities is associated with serious physical and psychological stress in dogs.<sup>189</sup> Specifically, continuous confinement causes many animals to suffer from chronic anxiety, social isolation, inadequate stimulation,<sup>190</sup> and the development of abnormal behaviors.<sup>191</sup>

### 3. The AWA's Legislative History Supports Stronger Regulations

The history of the AWA and the current regulations evince an intent from both Congress and USDA to provide much more opportunity for exercise than is currently required for dogs in commercial breeding facilities.

When it amended the AWA in 1985, Congress clearly wanted to provide for meaningful exercise for dogs in commercial breeding facilities. Section 13 of the AWA, as amended, requires the Secretary to promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and others, including standards “for exercise for dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the

<sup>189</sup> McMillan JAVMA Article, *supra* note 12, at 1362 (citing Bonne Beerda et al., *Chronic Stress in Dogs Subjected to Social and Spatial Restriction, I. Behavioral Responses & II. Hormonal and Immunological Response*, 66 *Physiol. Behav.* 232, 243 (1999); Deborah L. Wells et al., *The Influence of Length of Time in a Rescue Shelter on the Behaviour of Kennelled Dogs*, 11 *Animal Welfare* 317 (2002)).

<sup>190</sup> HSVMA Report, *supra* note 32, at 1, 6 (citing Michael B. Hennessy et al., *Plasma Cortisol Levels of Dogs at a County Animal Shelter*, 62 *Physiol. Behav.* 485 (1997); Brenda Griffin, *Wellness, Infectious Disease Management in Animal Shelters* 17 (Lila Miller & Kate Hurley eds., 2009); Brenda Griffin & K.R. Hume, *Recognition and Mgmt. of Stress in Housed Cats*, 5 *Consultations in Feline Internal Med.* 717 (John R. August ed., 5th ed., 2006); G.J. Patronek & E. Sperry, *Quality of Life in Long Term Confinement*, 4 *Consultations in Feline Internal Med.*, 621 (John R. August ed., 4th rev. ed., 2001); Jacqueline M. Stephen & Rebecca A. Ledger, *An Audit of Behavioral Indicators of Poor Welfare in Kennelled Dogs in the UK*, 8 *J. Applied Animal Welfare Sci.* 79 (2005); David S. Tuber et al., *Dogs in Animal Shelters: Problems, Suggestions, and Needed Expertise*, 10 *Psych. Sci.* 379 (1999); Francoise Wemelsfelder, *Animal Boredom: Understanding the Tedium of Confined Lives*, *Mental Health & Well-being in Animals* 79 (F.D. McMillan ed., 2005)).

<sup>191</sup> Sandra Newbury et al., Ass'n of Shelter Veterinarians, *Guidelines for Standards of Care in Animal Shelters* 26 (2010), <http://xa.yimg.com/kq/groups/20241575/778874386/name/Shelter%20Standards%20Oct2011%20wForward.pdf>.

Secretary.”<sup>192</sup> When this provision was adopted by the Conference Committee, the Committee stated that it was adopting “an amendment to provide that an attending veterinarian would be responsible for ensuring that dogs receive a reasonable amount of exercise according to general standards promulgated by the Secretary of Agriculture,” and that the conferees intended “the standard for exercise for dogs to offer a variety of possibilities to allow the animal motion. It could consist of regularly letting the dog out of its cage for a period of time, the use of dog runs, or allowing ample room in animal housing.”<sup>193</sup>

The current regulations, however, have proved entirely inadequate “for ensuring that dogs receive a reasonable amount of exercise.”<sup>194</sup> Allowing total veterinary discretion over the exercise plan, along with the fact that meaningful enforcement is impossible, as well as the provision for a waiver from the exercise requirement if certain extremely minimal space requirements are met, means that many dogs are simply not being provided with a regular opportunity for exercise. Indeed, in reality, many dogs confined to breeding facilities for life are essentially never released from their cages. This is undoubtedly *not* what Congress intended.

It seems the Agency has historically understood Congress’s intent to require a meaningful opportunity for exercise. In 1989, USDA originally proposed regulations that would have required much larger primary enclosures or minimum opportunities for exercise outside of the primary enclosures. Specifically, the regulations required (with some exceptions) that the dogs either be:

- Kept individually in primary enclosures that provided *at least four times the space* required for that dog and that allowed visual and/or physical contact with other dogs;

<sup>192</sup> 7 U.S.C. § 2143 (1985) (added by later amendment, as noted in 131 Cong. Rec. 29261, 29271 (Oct. 28, 1985) (adding S. Amend. 904 to H.R. 2100)).

<sup>193</sup> Food Security Act of 1985, H.R. Rep. No. 99-447, at 594 (1985) (Conf. Rep.).

<sup>194</sup> *Id.*

- Housed, held, or maintained together and provided with the greater of (a) 80 square feet of space or (b) *150 percent of the minimum space* required for all dogs in the group; or
- Released at least once a day, for a total of at least 30 minutes each day, for exercise.<sup>195</sup> Acceptable forms of exercise or release would be walking on a leash, release into a room, release into a run or pen with more than 80 square feet of floor space, or some other similar type of arrangement.<sup>196</sup>

These proposed minimum standards, which would have required larger primary enclosures to substitute for time outside of the cages than the current regulations require, were based on expert opinion. The consensus of APHIS veterinarians in 1989 with training and experience regarding the welfare of dogs was that 30 minutes of daily exercise was a reasonable minimum for maintenance of a dog’s health and well-being.

USDA reiterated the importance of an exercise requirement when it published revised rule proposals in 1990, placing the welfare of dogs above the cost to commercial breeding facility operators. It wrote, in response to public comments that the proposed exercise requirements were excessive, that:

while we are acutely aware that the economic impact of regulatory changes is of great importance to regulated entities, we do not consider dismissal of exercise requirements a viable option. We believe that such requirements are necessary, both for the well-being of the animals and to meet our statutory obligations.<sup>197</sup>

However, when the Department adopted the final regulations in 1991, it changed course, declining to impose specific exercise requirements. It stated that “Congressional intent with

<sup>195</sup> Animal Welfare Standards, 54 Fed. Reg. 10,897, 10,904-05 (Mar. 15, 1989). Dogs were required to be let out of their primary enclosures at least once a day if they were: (1) kept individually in primary enclosures that provided less than four times the space required for that dog and that did not allow visual or physical contact with other dogs, or (2) housed, held, or maintained together and not provided with the greater of (i) 80 square feet of space or (ii) 150 percent of the minimum space required for all dogs in the group. For example, six beagles housed together, each 28-inches in length, would require a primary enclosure of 8 square feet. Six times this requirement is 48 square feet, and 150 percent of this is 72 square feet. Because this is less than 80 square feet, the larger space would have been required. *Id.*

<sup>196</sup> *Id.* (proposed section 3.7(c)).

<sup>197</sup> Animal Welfare Standards, Proposed Rule, 55 Fed. Reg. 33,448, 33,450 (Aug. 15, 1990).



regard to the Act was to give dogs an opportunity for exercise, not to force them to exercise,” and that “the regulations as proposed, calling for a plan for meeting the exercise needs of dogs at each facility, will allow each facility to meet the requirements of the regulations in the manner most appropriate to the facility and to the animals housed there.”<sup>198</sup> Unfortunately, many inhumane, commercial breeding facilities have subsequently taken advantage of this flexibility—or nearly complete discretion—and have reduced the requirement for an opportunity for exercise to a nullity. Moreover, as noted, even where an exercise plan does call for daily exercise, there is simply no method through which the Agency can ensure that the plan is being adhered to. This has resulted in thousands of dogs spending their whole days in small primary enclosures, often on wire or gridded flooring, with no opportunities for exercise and no meaningful time spent outside of those cages during their entire lives.

**4. The Regulations Need to Be Amended to Ensure That Dogs Receive a Consistent, Meaningful Opportunity For Exercise**

It cannot be disputed that a daily opportunity for exercise is critical to the well-being of dogs or that Congress required the USDA to adopt regulations that would ensure dogs are afforded regular and meaningful opportunities for exercise. However, well over twenty-five years after the USDA adopted its exercise regulations, many dogs in large commercial breeding facilities are still being deprived of such opportunities because the discretionary plans are inadequate, enforcement is impossible, and because breeders can avoid any exercise requirement by moderately increasing the size of the primary enclosures. Indeed, the permissible alternative to an exercise plan, the use of larger primary enclosures,<sup>199</sup> has proven not to make “much

<sup>198</sup> Animal Welfare Standards, Final Rule, 56 Fed. Reg. 6426 (Feb. 15, 1991).

<sup>199</sup> 9 C.F.R. § 3.8(c)(3)(ii).

difference in terms of the dog's physical fitness, aggression, or play" as compared to small enclosures.<sup>200</sup>

The Agency should amend the relevant parts of 9 C.F.R. § 3.8 to require that all adult dogs in commercial breeding facilities have constant unfettered access, at least during daylight hours, to an exercise area of sufficient size to ensure proper physical development and health. This requirement has the additional advantage of actually being enforceable, because the inspector would be able to ascertain compliance by simply looking at the construction of the facility itself. The exercise area should, at a minimum, be at ground level and be at least twice the amount of space required in the primary enclosures. Over two decades of research and experience have proven that the best and simplest solution to ensure that dogs obtain proper exercise, and the easiest requirement for USDA inspectors to observe, is allowing dogs to have constant unfettered access to an exercise area. Dealers should be encouraged to use areas in which dogs can interact with natural substances.

Petitioners understand that, although the vast majority of dogs in commercial breeding facilities would benefit from unfettered access to exercise areas, a few dogs may be exceptions to the rule. Accordingly, Petitioners recommend that USDA tailor this proposed regulation by including a limited exception to the access requirement for individual dogs who have received a certification from a veterinarian that is specific to each dog and gives reasons on why the dog's health or other issues preclude unfettered access to the exercise area for that particular dog.

Amending the regulations to provide for unfettered access to exercise, with limited exceptions, would be consistent with Congressional intent and scientific research, and would make a world of difference in the lives of thousands of dogs currently confined to breeding facilities. Three states already require that state-licensed breeders, with limited exceptions,

<sup>200</sup> Hubrecht, *supra* note 61.

provide their dogs with unfettered access to exercise, and many states require at least a set minimum amount of exercise.<sup>201</sup> The USDA should show its leadership in the realm of animal welfare and adopt Petitioners' recommendations on exercise.

## **E. Socialization**

New regulations are also necessary to ensure adequate and safe socialization for dogs in commercial breeding facilities with humans and with other dogs.

### **1. Current Regulations Regarding Socialization Are Vague and Insufficient**

Socialization, both with humans and with other dogs, is important for the emotional health of dogs, which are highly social animals. For instance, studies have shown the following:

- Concentrations of beta-endorphin, oxytocin, prolactin, beta-phenylethylamine, and dopamine increase in dogs, like humans, after positive interactions between the dogs and humans.<sup>202</sup> Generally, these hormones produce a sense of well-being and relaxation, reduce pain, ease emotional distress, and may bolster the immune system.
- Human interaction including petting, play, and grooming can decrease stress and cortisol levels in dogs. High levels of cortisol – the hormone produced during the body's "fight or flight" response to stress – have negative effects including suppressed thyroid function, blood sugar imbalances, decreased bone density, decrease in muscle tissue, higher blood pressure, lowered immunity and inflammatory responses, slowed wound healing, and impaired cognitive performance.<sup>203</sup>
- Dogs allowed to interact socially with other compatible dogs show fewer signs of stress and greater activity levels.<sup>204</sup>
- Socially isolating dogs is detrimental to their well-being and typically results in the onset of behavioral problems such as withdrawal, inactivity,

<sup>201</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G) (in particular, Missouri, Nebraska, and Pennsylvania).

<sup>202</sup> J.S.J. Odendaal & R.A. Meintjes, *Neuropsychological Correlates of Affiliative Behaviour between Humans and Dogs*, 165 *Vet. J.* 296 (2003).

<sup>203</sup> Camille Belpedio, *Understanding Kennel Stress in Canines (Canis Lupus Familiaris)—A Review of the Literature*, 4 *J. Applied Companion Animal Behav.* 7, 10 (2010); see also Crista L. Coppola, *Human Interaction and Cortisol: Can Human Contact Reduce Stress for Shelter Dogs?*, 87 *Physiol. & Behav.* 537 (2006); Michael B. Hennessy et al., *Influence of Male and Female Petters on Plasma Cortisol and Behaviour: Can Human Interaction Reduce the Stress of Dogs in a Public Animal Shelter?*, 61 *Applied Animal Behav. Sci.* 63 (1998).

<sup>204</sup> Belpedio, *supra* note 203, at 10.

stereotypy, and barking, as well as greater physiological stress responses including increased salivary and urinary cortisol concentrations. Conversely, permitting dogs to interact with other compatible dogs can greatly increase the complexity of and sense of control over a captive environment, thereby allowing the dogs to thrive better within the pressures of confinement.<sup>205</sup>

Existing USDA regulations do not require sufficient socialization for dogs in commercial breeding facilities. These facilities are only required to provide physical contact with humans for dogs who are housed, held, or maintained without sensory contact with another dog.<sup>206</sup> For every other dog—including dogs that can merely see but not interact with other dogs – commercial breeding facilities need only “consider providing positive physical contact with humans.”<sup>207</sup> Putting aside the empty mandate to “consider” positive contact with humans, the regulations do not even specify how much human contact is necessary for dogs that have “sensory contact” with other dogs, which is almost every dog in commercial breeding facilities.

The regulations also do not provide for sufficient positive socialization among dogs. Only 9 C.F.R. § 3.7 touches upon the issue of conspecific interactions, and addresses “compatible grouping.” This regulation merely explains compatibility on the basis of females in heat, vicious or overly aggressive dogs, young puppies, and interspecies housing. But housing just any dogs together will not provide the benefits of socialization discussed above. The issue of compatibility has been described as “highly important when housing dogs together,” because indiscriminate group housing can be counter-productive, leading to outbreaks of aggression and possible injuries to the dogs.<sup>208</sup>

<sup>205</sup> Deborah L. Wells, *A Review of Environmental Enrichment for Kennelled Dogs*, *Canis Familiaris*, 85 *Applied Animal Behav. Sci.* 307, 308 (2004).

<sup>206</sup> 9 C.F.R. § 3.8(c)(2).

<sup>207</sup> *Id.*

<sup>208</sup> Wells, *supra* note 205, at 308.

## 2. The Regulations Need to Be Amended to Ensure Adequate Socialization

To ensure adequate socialization for dogs in commercial breeding facilities, the USDA should amend 9 C.F.R. §§ 3.7 and 3.8 to affirmatively require meaningful daily socialization with humans and with compatible dogs. Petitioners recommend a total of at least 30 minutes of positive interaction with at least one human each day. Further, as specified in the attached proposed regulations, the regulation should define “positive interaction with a human” as “petting, stroking, grooming, feeding, playing with, exercising, or other touching of the dog that is beneficial to the well-being of the dog.”

These proposed revisions to the regulations are not novel. In its proposed regulations in 1989, USDA explained that:

Because of the social nature of dogs, [subject to certain exceptions], all dogs [must] be able to see and hear other dogs. If a dog is unable to see and hear other dogs simply because it is the only dog in the facility, we would require that it receive positive physical contact with humans at least once a day. “Positive physical contact” is defined in Part 1 as “petting, stroking, or other touching, which is beneficial to the well-being of the animal.” . . . This contact would have to total at least 60 minutes each day and could be given in one or more periods.<sup>209</sup>

After receiving comments, the Agency noted that “socialization, including sensory contact, is the single most effective means of providing the opportunity for adequate exercise,” but it changed its position and stated it did not “believe that it is essential for the health and well-being of dogs that they have sensory contact with other dogs,” and proposed a standard requiring positive physical contact at least daily only for isolated dogs.<sup>210</sup> In its final rule, the Agency noted that it did not adopt a 60-minute time requirement because there was no data to support

<sup>209</sup> Animal Welfare—Standards, Proposed Rule, 54 Fed. Reg. 10,897, 10,904 (Mar. 15, 1989).

<sup>210</sup> Animal Welfare; Standards, Revised Proposed Rule, 55 Fed. Reg. 33,448, 33,468 (Aug. 15, 1990).

that time limit and it saw “no need for contact of that duration.”<sup>211</sup> However, recent research and data now support implementation of more robust socialization and physical contact regulations.

Several states have imposed socialization requirements, including minimum amounts of socialization and cages large enough to properly allow dogs to socialize with their cage mates.<sup>212</sup> In addition, multiple animal welfare groups support socialization requirements. For example, the AVMA recommends that dogs have positive human contact and be able to have full-body contact with compatible dogs.<sup>213</sup> The CIEH has explained that socialization is “very important” for dogs, and provides guidance to ensure that dogs used for breeding are allowed adequate social contact both with other dogs and with humans.<sup>214</sup> And the ACT and the SFT require interaction between dogs and handlers.<sup>215</sup>

This requirement will not add any inspection burdens. Breeders are already required to provide exercise plans upon request. It would be no harder to have socialization plans available for inspection by APHIS.

## **F. Retirement**

### **1. The Lack of Regulation Allows Non-Profitable Dogs to be Treated Callously or Inhumanely**

No regulation currently exists to govern how commercial breeding facilities treat their adult dogs who are no longer producing puppies or the puppies they cannot sell. Breeders are only directed to keep records showing whether and how they disposed of their dogs.<sup>216</sup> As a result, commercial breeding facilities are free to have their non-producing dogs and “unsellable” puppies euthanized so long as they provide “adequate guidance” to personnel involved in the

<sup>211</sup> Animal Welfare; Standards, Final Rule, 56 Fed. Reg. 6426, 6447 (Feb. 15, 1991).

<sup>212</sup> Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>213</sup> AVMA Model Bill, *supra* note 65.

<sup>214</sup> CIEH Model License, *supra* note 109.

<sup>215</sup> SFT Position Statement, *supra* note 106.

<sup>216</sup> *See* 9 C.F.R. § 2.75(a)(1)(ix) (2014).

euthanasia. Because euthanasia is a veterinary practice, under most state laws the person performing euthanasia must be a veterinarian or euthanasia technician, but the regulations do not specify that a veterinarian has to be involved.<sup>217</sup>

Inhumane, commercial breeding facilities often leave retired breeding dogs in poor conditions or euthanize the dogs.<sup>218</sup> Similarly, many commercial breeders discard puppies when the puppies become too old—in the eyes of the commercial breeder—to sell, or when they have a physical irregularity or appearance that makes them difficult to sell.<sup>219</sup> Yet many of these adult dogs and “unsellable” puppies are still young and healthy enough to enjoy at least several more years of life. There is no medical need to euthanize these dogs. These dogs are killed merely because they are no longer profitable.

## 2. New Regulations Are Necessary to Protect Retired Dogs and “Unsellable” Puppies

USDA should add sections under 9 C.F.R. Part 3, Subpart A, to protect the welfare of retired breeding dogs and puppies the breeders will not sell. If the breeder chooses not to keep the dog, the breeder must make all reasonable efforts to find placement with an adoptive family, rescue organization, or other appropriate owner for that dog. Euthanasia should only be permitted as a last resort. In addition, the regulations should prohibit sale at auction or otherwise placing a retired breeding dog with another breeder for breeding purposes.<sup>220</sup>

<sup>217</sup> See 9 C.F.R. § 2.40(b)(4).

<sup>218</sup> E.g., *Colorado Animal Rescue Saves Discarded Dogs, Finds Homes for Them*, Fox 31 Denver (Nov. 21, 2012), <http://kdvr.com/2012/11/21/colorado-animal-rescue-saves-discarded-dogs-from-horrible-lives-or-worse/> (writing that over 7,000 dogs had been rescued from puppy mills in five years, with most adult dogs discarded because they “may not be able to produce puppies any longer, they may be old or sick, or the breeder might be going out of business,” and puppies discarded because “they are too old to sell to pet stores”); see also Alex Mayyasi, *How We Treat Pets in America*, PriceOnomics Blog (Feb. 28, 2013), <http://blog.priceonomics.com/post/44230885813/how-we-treat-pets-in-america> (“Oftentimes, after the breeder dog has reached the age of 4 years, it is no longer needed and killed.”).

<sup>219</sup> See *id.*

<sup>220</sup> Auctions can be the site of bad conditions, and have the potential to move dogs out of the eye of APHIS inspectors. See AnimalFolksMN, *Issue: Auctions*, <http://www.animalfolksmn.org/auctions2.html> (last visited Nov. 18, 2014).

USDA inspectors can ascertain compliance by looking at a dog's records, which should detail whether she has been rehomed, retained, or euthanized.

## **G. Access to Potable Water**

### **1. The Current Regulations Do Not Ensure Dogs Have Continuous Access to Potable Water**

Under current regulations, breeders are only required to offer water “as often as necessary to ensure [the dog’s] health and well-being, but not less than twice daily for at least 1 hour each time.”<sup>221</sup> The regulations do not establish that the water must not be frozen.

In practice, Petitioners frequently see dogs without access to potable water, or with access to frozen water only. It is well established that in captivity, “[a]nimals should have access to fresh, potable, uncontaminated drinking water according to their particular requirements. . . . In cold weather, steps should be taken to prevent freezing of outdoor water sources.”<sup>222</sup> This is a basic question of comfort for dogs. Several states already require dogs to have continuous, or “easy and convenient,” access to potable water that is not frozen.<sup>223</sup> Under the current federal standard, however, inspections have discovered dogs who only had access to water that was frozen solid, which in some instances was met merely with a warning.<sup>224</sup>

### **2. The Regulations Need to Be Amended to Make Potable Water Available At All Times**

The Agency should amend the regulations to require continuous access to potable, uncontaminated water that is not frozen. This regulation has the additional advantage of being

<sup>221</sup> 9 C.F.R. § 3.10.

<sup>222</sup> Guide for the Care and Use of Laboratory Animals, *supra* note 98, at 67-68.

<sup>223</sup> See Mich. State Univ. Animal Legal & Historical Ctr., Table of State Commercial Pet Breeders Laws, <https://www.animallaw.info/topic/table-state-commercial-pet-breeders-laws> (last visited Aug. 30, 2015) (listing, e.g., Mo. Rev. Stat. § 273.345(4)(8); Neb. Stat. § 54-640(5); Or. Rev. Stat. § 167.310(9)(b)); see also Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

<sup>224</sup> Horrible Hundred 2015, *supra* note 100, at 15-16, 27.



more easily enforceable: currently, it is difficult, if not impossible, for inspectors to know whether a dog has actually received water that day.

## V. CONCLUSION

The new regulations discussed in this Petition are sorely needed to update the current inadequate standards for commercial breeding facilities, some of which were promulgated more than two decades ago and are based on outdated research. Many inhumane, commercial breeding facilities comply only with the absolute minimum standards required, leading to squalid conditions. These conditions are severely harmful to the physical and emotional health of the many dogs housed in such facilities across the country.

Stronger, more concrete, and enforceable minimum standards are needed to protect the well-being of dogs in commercial breeding facilities, as required by the AWA. Responsible, humane breeders are likely already in compliance with all or most of these proposed requirements. These regulations therefore are narrowly targeted at those facilities that provide only (and too often not even) the absolute minimum of care. The regulations proposed by this Petition, which are attached hereto as Exhibit A, are within USDA's authority to promulgate—in fact, amending the regulations to ensure humane standards of care is the agency's *obligation* under the statute. A majority of Americans support regulations like the ones proposed here, as shown by the survey attached hereto as Exhibit K. By adopting the Petitioners' recommendations, the Agency will dramatically improve the lives of the tens of thousands of dogs forced to spend their lives in large commercial breeding facilities, the puppies born there, and the consumers obtaining their dogs from these facilities. We urge the Agency to comply with its obligations under the AWA and promulgate these reasonable, commonsense, and scientifically supported regulations.

Respectfully submitted,




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Exhibit A

Proposed Regulations

## **Proposed New and Revised Regulations to Increase Minimum Standards at Commercial Breeding Facilities<sup>1</sup>**

### **Proposed Revisions to Improve Temperature Regulation**

#### **9 C.F.R. § 3.2 Indoor housing facilities & § 3.3 Sheltered housing facilities.**

(a) *Heating, cooling, and temperature.* [Indoor/sheltered] housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature must not fall below 45 °F (7.2 °C), or rise above 85 °F (29.5 °C) when dogs are present.

(1) The ambient temperature in the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian.

### **Proposed Revisions to Prohibit Wire Flooring**

#### **9 C.F.R. § 3.6 Primary enclosures.**

Primary enclosures for dogs and cats must meet the following minimum requirements:

(a) General requirements . . .

(2) Primary enclosures must be constructed and maintained so that they: . . .

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that do not allow the dogs' and cats' feet to pass through, or become wedged or entrapped in, any openings in the floor;

(xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and

(xii) Contain flooring made only of the following materials: grass, gravel, cement, solid plastic or vinyl, or slatted flooring.

(A) If a primary enclosure has slatted flooring, the slats must meet the following criteria: be flat; have spaces

<sup>1</sup> For existing sections, this Exhibit contains proposed revisions to the cited sections and subsections. This Exhibit also proposes to add new sections, as indicated by the use of section numbers that do not exist yet.

between them that are no more than 0.5 inch in width; have spaces between them that run the length or the width of the floor, but not both; be no less than 3.5 inches in width; be level with the slat next to it within a single primary enclosure.

(B) A primary enclosure may also in part contain flooring that is made of non-abrasive, stamped, coated metal made specifically for dog kennels (e.g. Tenderfoot), but only for such parts of the flooring that are provided in excess of the minimum space allotments required by 9 C.F.R. § 3.6(c)(1).

(C) If a primary enclosure has a suspended floor, such floor must be made of a solid material and must be strong enough so that the floor does not sag or bend between the structural supports.

(xiii). Primary enclosures constructed on or after \_\_\_\_\_, 2015 and floors replaced on or after that date, must comply with the requirements in paragraph (a)(2)(x)-(xii) of this section. On or after \_\_\_\_\_, 2016, all primary enclosures must be in compliance with the requirements in paragraph (a)(2) of this section.

**Proposed Revisions to Increase the Space Requirements**

**9 C.F.R. § 3.6 Primary enclosures.**

(c) Additional requirements for dogs--

(1) *Space.*

(i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches, then double that result to find the required floor space in inches. Then divide the product by 144 to find the required floor space in square feet. The calculation is: (length of the dog in inches + 6) x (length of the dog in inches + 6) x 2 = required floor space in inches. Required floor space in inches / 144 = required floor space in square feet.

(ii) The interior height of a primary enclosure must be sufficient to allow the tallest dog in the enclosure to stand on his or her hind legs without touching the roof of the enclosure.

**Proposed Revisions to Prohibit Stacking of Primary Enclosures**

**9 C.F.R. § 3.6 Primary enclosures.**

(c) Additional requirements for dogs. – . . .

(4) Prohibited means of primary enclosure.

(i) Tethering. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(ii) Stacking. Primary enclosures may not be stacked or otherwise placed above or below any other primary enclosure.

**Proposed Revisions to Ensure Adequate Exercise and Socialization with Humans**

*Replace 9 C.F.R. § 3.8 with the following:*

**9 C.F.R. § 3.8a Exercise for dogs—Exhibitors and research facilities.**

Exhibitors and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

(a) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any exhibitor or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by § 3.6(c)(1) of this subpart.

(b) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by any exhibitor or research facility, including Federal research facilities, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

(1) Housing in compatible groups is not in accordance with a research proposal and the proposal has been approved by the research facility Committee;

(2) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or

(3) Any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian and, at research facilities, in consultation with and approval by the Committee.

(2) Exhibitors and research facilities, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

(3) The opportunity for exercise may be provided in a number of ways, such as:

(i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of § 3.6(c)(1) of this subpart;

(ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by § 3.6(c)(1) of this subpart;

(iii) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(iv) Other similar activities.

(4) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(d) Exemptions.

(1) If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the exhibitor or research facility may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by the attending veterinarian.

(2) A research facility may be exempted from the requirements of this section if the principal investigator determines for scientific reasons set forth in the research proposal that it is inappropriate for certain dogs to exercise. Such exemption must be documented in the Committee-approved proposal and must be reviewed at appropriate intervals as determined by the Committee, but not less than annually.

(3) Records of any exemptions must be maintained and made available to USDA officials or any pertinent funding Federal agency upon request.

**9 C.F.R. § 3.8b Exercise for dogs—Dealers.**

(a) Dealers must maintain their facilities such that all dogs over the age of 12 weeks have unfettered access to an exercise area from their primary enclosures during daylight hours. Such exercise area shall be at ground-level, made of solid flooring, enclosed, properly controlled for the dogs' safety, and be at least two times the primary enclosure space required by 9 C.F.R. § 3.6(c)(1).

(b) A dealer does not have to satisfy the requirement in paragraph (a) for an individual dog, if the dealer obtains a certification from the attending veterinarian stating that that the dog should not have unfettered access to an exercise area. The attending veterinarian must instead prescribe an alternative and appropriate exercise plan for the individual dog that meets the requirements in 9 C.F.R. § 3.8a.

**9 C.F.R. § 3.8c Socialization for dogs—Dealers.**

Dealers must provide positive physical interaction for every dog over the age of six weeks for a total of at least 30 minutes per day with at least one human. For adult dogs, the interaction may involve multiple dogs at a time, as long as those dogs are compatible with one another. For dogs younger than six months of age, the interaction may not involve multiple dogs at a time. Positive physical interactions include, but are not limited to, petting, stroking, grooming, feeding, playing with, exercising, or other touching which is beneficial to the well-being of the dog. Positive physical interaction does not include veterinary care or other activities that may be stressful for the dog.

**Proposed Revisions to Ensure Adequate Access to Potable Water**

**9 C.F.R. § 3.10 Watering.**

Potable liquid water should continuously be available to the dogs and cats. Water receptacles must be kept clean and sanitized in accordance with §3.11(b) of this subpart, and before being used to water a different dog or cat or social grouping of dogs or cats.

**Proposed New Regulation to Ensure Safe Breeding Practices**

**9 C.F.R. § 3.20 Breeding standards.**

(a) Dealers must give female dogs adequate rest between breeding cycles. Dealers may not breed a female dog to produce more than two litters in any 18 month period nor more than six litters during that dog's lifetime.

(b) Dealers may not breed female dogs of small breeds (weighing less than 40 pounds when fully mature) before they reach the age of 18 months, or after they reach the age of 9 years. Nor may dealers breed female dogs of large breeds (weighing 40 pounds or more when fully mature) before they reach the age of two years, or after they reach the age of 7 years.



(c) Dealers may not breed a dog prior to having such dog screened, pursuant to a reasonable screening program approved by the attending veterinarian, for known prevalent inheritable diseases that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring. No dog shall be bred unless the dog is free from health conditions that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring, as documented by a licensed veterinarian at each examination.

(d) Any canine caesarian section must be performed by a licensed veterinarian.

**Proposed Revisions to Ensure Adequate Veterinary and Preventative Care**

**Subpart D – Attending Veterinarian and Adequate Veterinary Care**

**9 C.F.R. § 2.40 - Attending veterinarian and adequate veterinary care (dealers and exhibitors).**

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: . . .

(6) For dealers only, veterinary and preventive care must meet the following minimum requirements:

(i) *Preventive care.* Each dog must receive adequate preventive care, including at a minimum:

(A) Core vaccinations recommended by the current version of the American Animal Hospital Association Canine Vaccination guidelines [currently including the distemper virus, parvovirus, and adenovirus], as well as all other vaccinations recommended by the attending veterinarian;

(B) Rabies vaccinations for all dogs over the age of four months to be administered by a veterinarian; and

(C) Regular administration of medications to prevent intestinal parasites, heartworm disease, fleas, and ticks.

(ii) *Annual examination.* Each dog must receive at least one hands-on veterinary examination by the attending veterinarian during each 12-month period. The examination must include:

(A) A comprehensive physical examination, dental assessment, pain assessment, and body condition scoring; and

(B) For intact male dogs, an evaluation for prostate and testicular disease.

(iii) *Breeding dogs.* All breeding dogs must be examined by the attending veterinarian in the following manner:

(A) Female dogs, at least at each annual examination required by this section, should be examined for any communicable diseases or conditions that would be exacerbated by breeding, pregnancy, or whelping; for pyometra and mammary neoplasia; and should have a body condition score of at least 3 to ensure a healthy pregnancy and whelping.

(B) Both male and female dogs, prior to the first breeding, should be examined for hereditary disorders that may disable or significantly affect the lifespan or quality of life of the offspring, in accordance with 9 C.F.R. § 3.20(c).

(C) The attending veterinarian must document, at least at each annual examination required by this section, that breeding dogs are healthy and free of any communicable diseases or conditions that would be exacerbated by breeding, pregnancy, or whelping.

(iv) *Surgical Procedures.* Dealers who do not have a license to practice veterinary medicine in the state where they reside shall not perform any surgical procedures on dogs.

(v) *Euthanasia.* When needed, euthanasia must be performed by a licensed veterinarian using lawful, humane techniques accepted by veterinary organizations, including the American Veterinary Medical Association Euthanasia Guidelines.

(7) All veterinary examinations must be documented by the veterinarian, and such documentation must be maintained by the breeder for a period of three (3) years and made available to APHIS inspectors upon request.

### **Proposed New Regulation to Ensure Proper Grooming**

#### **9 C.F.R. § 3.21 Grooming.**

Each dealer shall establish and maintain programs of adequate grooming that include regular grooming of the fur, nail trimming, and dental care as needed for the safety and comfort of each dog based on that dog's breed, or at least twice a year, whichever is more frequent.

**Proposed New Regulations Regarding Treatment of Non-breeding and Unsold Dogs**

**9 C.F.R. § 3.22 Treatment of non-breeding adult dogs.**

Dealers must establish and maintain programs for the treatment of adult dogs that are unable to breed but that are otherwise in good health. The programs, at a minimum, must comply with each of the following:

- (a) Dealers may not sell to or place such dogs with an auction or with another dealer for breeding purposes; and
- (b) Dealers who choose not to keep such dogs must make all reasonable efforts to find placement with adoptive families, rescue organizations, or other owners who are not dealers or auctions.

**9 C.F.R. § 3.23 Treatment of unsold puppies.**

Dealers must establish and maintain programs for the treatment of puppies that they are unable to sell but that are otherwise in good health. The programs, at a minimum, must comply with each of the following:

- (a) Dealers may not sell to or place such dogs with an auction; and
- (b) Dealers who choose not to keep such dogs must make all reasonable efforts to find placement with other dealers, adoptive families, rescue organizations, or other owners who are not auctions.

Exhibit B

Examples of Localities with  
Ordinances Restricting Retail Sales

## Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sale of Puppies<sup>1</sup>

### United States:

City/State	Enacted	Description
Albuquerque, NM	2006, effective 2007	Albuquerque Code of Ordinances § 9-2-3-7(H)(9), available at <a href="http://www.amlegal.com/albuquerque_nm/">http://www.amlegal.com/albuquerque_nm/</a> “Puppies and kittens shall not be sold to a Pet Store, Animal Broker or other animal dealer.”
South Lake Tahoe, CA	2009, effective 2011	South Lake Tahoe City Code § 6.55.350, available at <a href="http://www.codepublishing.com/CA/SouthLakeTahoe/#!/SouthLakeTahoe06/SouthLakeTahoe0655.html">http://www.codepublishing.com/CA/SouthLakeTahoe/#!/SouthLakeTahoe06/SouthLakeTahoe0655.html</a> “No pet store operator or pet store shall display, sell, deliver, offer for sale or adoption, barter, auction, give away, or otherwise dispose of cats or dogs in the city of South Lake Tahoe.”
Austin, TX	2010	Austin Code of Ordinances §§ 3-1-1 & 3-2-3, available at <a href="https://www.municode.com/library/tx/austin/codes/code_of_ordinances">https://www.municode.com/library/tx/austin/codes/code_of_ordinances</a> “A pet trader commits an offense if the pet trader conducts an off-site retail sale [i.e., at a location other than where the cat or dog was bred].”
Lake Worth, FL	2011	Lake Worth Code of Ordinances § 6.8, available at <a href="http://library.municode.com/index.aspx?clientId=10091">http://library.municode.com/index.aspx?clientId=10091</a> “No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the city on or after the effective date of this chapter.”
Glendale, CA	2011	Glendale Code of Ordinances § 6.10, available at <a href="https://www.municode.com/library/ca/glendale/codes/code_of_ordinances">https://www.municode.com/library/ca/glendale/codes/code_of_ordinances</a> “No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city of Glendale on or after the effective date of this chapter.”

<sup>1</sup> This list is for illustrative purposes only. A more complete list of the more than 70 local laws restricting retail pet sales can be found at <http://bestfriends.org/Resources/Jurisdictions-With-Retail-Pet-Sale-Bans>.

City/State	Enacted	Description
Point Pleasant Beach, NJ	2012	Borough of Point Pleasant Beach Municipal Code § 5-23.2, available at <a href="http://clerkshq.com/default.aspx?clientsite=pointpleasantbeach-nj">http://clerkshq.com/default.aspx?clientsite=pointpleasantbeach-nj</a> “No pet store operator or pet store shall sell, deliver, offer for sale, barter, auction or otherwise improperly dispose of cats, dogs or other mammals . . . .”
Los Angeles, CA	2012	Los Angeles Municipal Code § 53.73, available at <a href="http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:losangeles_ca_mc">http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:losangeles_ca_mc</a> “It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles . . . .”
Burbank, CA	2012	Burbank Municipal Code § 5-1-1439, available at <a href="http://www.codepublishing.com/ca/burbank/">http://www.codepublishing.com/ca/burbank/</a> “No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of dogs or cats in the City of Burbank . . . .”
Hoboken, NJ	2013	Hoboken Municipal Code § 93-15, available at <a href="http://www.ecode360.com/HO0741">http://www.ecode360.com/HO0741</a> “No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of cats or dogs, or both, in the City of Hoboken.”
San Diego, CA	2013	San Diego Municipal Code § 42.0706, available at <a href="http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml">http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml</a> “It is unlawful for any person to display, offer for sale . . . or sell any live dog, cat, or rabbit an any pet shop, retail business, or other commercial establishment located in the City of San Diego . . . .”
Palmetto Bay, FL	2013	Palmetto Bay Code of Ordinances § 30-60.31, available at <a href="https://www.municode.com/library/fl/palmetto_bay">https://www.municode.com/library/fl/palmetto_bay</a> “[P]et stores, shops or care centers shall be precluded from displaying, selling . . . or otherwise dispose of dogs or cats in the Village of Palmetto Bay . . . .”
Ventura County, CA	2013	Ventura County Code of Ordinances § 4428, available at <a href="https://www.municode.com/library/ca/ventura_county/codes/code_of_or_dinances">https://www.municode.com/library/ca/ventura_county/codes/code_of_or_dinances</a> “It shall be unlawful for any person to sell any dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the unincorporated areas of the County . . . .”

City/State	Enacted	Description
Toledo, OH	2013	Toledo Municipal Code § 1705.10, available at <a href="http://www.amlegal.com/library/oh/toledo.shtml">http://www.amlegal.com/library/oh/toledo.shtml</a> “[I]t shall be unlawful for any person to display, offer for sale . . . or sell any live dog or cat in any pet shop, retail business or other commercial establishment . . . .”
Phoenix, AZ	2014	Phoenix City Code § 8-3.06, available at <a href="http://www.codepublishing.com/az/phoenix/">http://www.codepublishing.com/az/phoenix/</a> “No pet shop or pet dealer shall display, sell . . . or dispose of a dog or cat . . . .”
Chicago, IL	2014, effective 2015	Chicago Ordinance (Adding Municipal Code § 4-384-015), available at <a href="http://docs.chicityclerk.com/press/2014/20140205-pr-companion-animal-ordinance.pdf">http://docs.chicityclerk.com/press/2014/20140205-pr-companion-animal-ordinance.pdf</a> “A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from [a government-operated facility, humane society, or rescue organization].”
Cook County, IL	2014	Cook County Code of Ordinances § 10-13, available at <a href="https://www.municode.com/library/il/cook_county/codes/code_of_ordinances">https://www.municode.com/library/il/cook_county/codes/code_of_ordinances</a> “A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from [a government-operated facility, humane society, rescue organization, or USDA licensed breeder with five or fewer breeding females].”
Miami Beach, FL	2014, effective 2015	Miami Beach Code of Ordinances § 10-18, available at <a href="http://www.municode.com/library/fl/miami_beach/codes/code_of_ordinances">http://www.municode.com/library/fl/miami_beach/codes/code_of_ordinances</a> “[P]et dealers and pet shops shall not display, sell . . . or otherwise dispose of dogs or cats in the City . . . .”
East Providence, RI	2014	East Providence Ordinance No. 607 (Ord. Book No. 20, at 72) (adding East Providence Revised Ordinances § 3-68), available at <a href="http://clerkshq.com/default.ashx?clientsite=eastprovidence-ri">http://clerkshq.com/default.ashx?clientsite=eastprovidence-ri</a> “It is unlawful for any person to display, offer for sale . . . or sell any live dog or cat in any pet store, retail business or other commercial establishment located in the City of East Providence.”

City/State	Enacted	Description
Palm Beach, FL	2015	Palm Beach Ordinance No. 19-2014 (adding Palm Beach Code of Ordinances § 10-46), available at <a href="http://bestfriends.org/uploadedFiles/Content/Resources/Resources_for_Rescuers(1)/Help_for_Individuals/Palm-Beach-Jan-2015.pdf">http://bestfriends.org/uploadedFiles/Content/Resources/Resources_for_Rescuers(1)/Help_for_Individuals/Palm-Beach-Jan-2015.pdf</a> “Sale or Transfer of Dogs and/or Cats prohibited. No pet store shall display, sell, . . . or otherwise dispose of dogs or cats in the Town of Palm Beach . . . .”

**Canada:**

City/State	Enacted	Description
Richmond, B.C.	2010	Richmond Bylaw No. 7538 § 12.8 & Schedule B(8) (Prohibited Animals), available at <a href="http://www.richmond.ca/_shared/assets/Bylaw7538_10271439979.pdf">http://www.richmond.ca/_shared/assets/Bylaw7538_10271439979.pdf</a> “A pet store operator must not . . . sell, offer to sell, or display to the public . . . any prohibited animal [including puppies and dogs].”
Toronto, Ont.	2011	Toronto Municipal Code § 545-260.1 & 260.2, available at <a href="http://www.toronto.ca/legdocs/bylaws/lawmcode.htm">http://www.toronto.ca/legdocs/bylaws/lawmcode.htm</a> “Every retailer, including any person or business that sells more than 10 dogs per year, must obtain animals from one of the following sources only: (A) municipal animal shelters; (B) registered humane societies; (C) registered shelters or rescue groups; or (D) from people who have surrendered their pets to them at no charge.” “Every keeper of a pet shop must obtain cats and dogs from only the following sources: [shelters, humane societies, or rescue groups].”
Mississauga, Ont.	2012	Mississauga Business Licensing By-Law 1-06, Schedule 20, available at <a href="http://www7.mississauga.ca/documents/bylaws/Business_Licensing_2014.pdf">http://www7.mississauga.ca/documents/bylaws/Business_Licensing_2014.pdf</a> “Every Person licensed under this By-law and Schedule shall . . . if such person sells more than 10 cats or dogs per year, obtain these animals from one of the following sources only: municipal animal shelters; registered humane societies; registered shelters; or rescue groups.”
New Westminster, B.C.	2012	New Westminster Pet Store Bylaw No. 7398, 2010 and Amendment Bylaw 7546, 2012, available at <a href="http://www.newwestcity.ca/database/rte/files/7398PetStore.pdf">http://www.newwestcity.ca/database/rte/files/7398PetStore.pdf</a> “No person shall sell or offer for sale to the public any dog, cat, . . . in a pet store or other type of retail premises, with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization.”



City/State	Enacted	Description
Kingston, Ont.	2013	Kingston Business By-Law, No. 2006-213, Schedule P-2, available at <a href="https://www.cityofkingston.ca/city-hall/bylaws">https://www.cityofkingston.ca/city-hall/bylaws</a> “No dog, cat, or rabbit shall be purchased or taken in for free for sale by a pet store . . . .”

Exhibit C

Sample of Complaints to HSUS Regarding  
Puppies from USDA Licensed Breeders

**Sample of Complaints to the Humane Society of the  
United States Regarding Puppies from USDA Licensed Breeders<sup>1</sup>**

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
5/18/2010	Fuchshofer, Carole of PA	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Complainant purchased wheaten terrier on May 7, 2006 at Petland in Robinson Towne Center, Pittsburgh, PA. She dealt with the manager, Rick, who assured her they did not deal with puppy mills, that her puppy would be healthy, etc., and was adamant that Petland gave a fabulous one-year health guarantee and that if any problems developed, Petland would pay the vet bills. Within ten days. Complainant's vet told her that the puppy had already been on meds for a bacterial infection that she still had in her intestinal tract. When the puppy was almost one year old, she developed food allergies, bladder infections, and was diagnosed with PLE/PLN, a protein losing genetic disease found in some wheaten terrier. She was hospitalized for a few days and the emergency vet told her that she would die within a few months. The disease is usually fatal but she was able to survive through a special diet.
4/5/2009	Harris, Mike and Diana of PA	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Complainant purchased Chihuahua from Petland on Aug. 6, 2008. She was diagnosed 8 days later with parvo, and died on Aug. 19th. Petland's vet signed a clean health record on July 29, 2008. He is the same vet who hospitalized the puppy on Petland's insistence, treated her for parvo, and euthanized her. She has documentation.
3/19/2009	[Redacted] of MI	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Buyer purchased a male Soft Coated Wheaten Terrier. The puppy had frequent ear infections and likely hip dysplasia, as well as a painful dental issue requiring surgery. The vet who did his surgery wrote: "His lower jaw was longer than his upper and was too narrow to contain a full complement of incisor teeth. This resulted in overcrowding of the

<sup>1</sup> These complaints were all received by the HSUS and are on file with the HSUS. Names are used where complainants gave explicit permission to do so. Otherwise, names have been redacted.

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
				lower incisors and the 2 lower canine teeth hit the roof of his mouth causing injury and trauma to the palate. To alleviate pain and discomfort I amputated a portion of the crowns of the lower canine teeth and performed a pulp (nerve) treatment and sealing. An amalgam filling was placed into each tooth. Jaw length could possibly be related to heredity or genetics influences and environmental issues may play a role.”
10/5/2011	[Redacted]	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer purchased St. Bernard and buyer's mother purchased chidachshund mix from same breeder. The St. Bernard arrived almost dead, and the chi-mix also needed vet care. Buyer willing to provide any information that would be helpful.
12/30/2010	Doerges, Heather of SD	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer's dog is a 7 month old German Shorthair Pointer. She had diarrhea since she arrived. She had a rough battle with conjunctivitis, kennel cough, giardia and coccidia. It took 6 rounds of Metro and 3 rounds of Panacur (one round lasted an uncommon 10 days) to get a negative fecal result. Yet the diarrhea persisted, along with a lot of blood. Was advised to euthanize but refused. Buyer tried many things over a period of months. Still no change. Buyer has been told she probably won't live long. Dog has IBD, Lymphactasia, allergies, and is probably going to end up with protein losing entropathy and possibly EPI. They have spent over \$2000 trying to help her get better.
9/16/2011	[Redacted] of NY	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Complainant purchased the puppy from a pet store, Shake a Paw in Long Island, when she saw that it was sick. Puppy was wheezing and possibly had pneumonia. The dog is now 20 months old and has been diagnosed with hip dysplasia in both hips. Buyer is very passionate and willing to do anything to help.
12/29/2010	[Redacted]	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer purchased a Siberian Husky from North Washington Kennels on 8/31/10. Dog was immediately diagnosed with giardia, and it took almost a month to clear up. Buyer is willing to provide any help

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
				needed.
1/30/2012	Arellano, Michele of IL	Kristi Rath, License No. 42-A-1408	Lacona, IA	Several days after purchase, puppy exhibited and was aggressively treated for kennel cough over weeks with many antibiotics. Puppy also had discharge from nose and eyes. In January, she started having a jaw tic, and then a day later had seizures. She was treated at VMA Specialty Hospital in Aurora under a neurologist care. An MRI was done and a spinal tap. The puppy never recovered from anesthesia w/o seizures and buyer had to have the puppy put to sleep on 1/12/12. End result was Distemper diagnosis.
4/2/2009	Clarke, Anne of NC	Kathie & William Blomberg -- Locust Creek Farm, License No. 43-A-1116	Versailles, MO	Several months after purchase, puppy became ill with a fever of 105. The vet did a blood test, an exam, and an x-ray. Puppy had pain in her hindquarters -- vet suspected discospondylitis but could make no definitive diagnosis. Puppy's pain intensified and buyer took the puppy to a neurologist, who diagnosed the puppy with polyarthritis and prescribed doxycycline, Clindamycin, and prednisone. She remained on prednisone for a long time. Some time later, the puppy had a very high fever, and another flare-up of the polyarthritis. Two years after purchase, dog began acting strange, and buyer came home to see the kitchen floor covered urine, dog was limping and her eyes were not visible. Her blood glucose and urine glucose levels were very off. She was diagnosed with diabetes, probably as a result of being on prednisone long-term. Since then, she has been taking insulin twice a day. In sum, dog has polyarthritis, diabetes, and an immune deficiency disease, and continues to have health issues.
12/7/2011	[Redacted]	Kathie & William Blomberg -- Locust Creek Farm, License No. 43-A-1116	Versailles, MO	Buyer's puppy was in terrible condition from the start -- intestinal worms, ear mites, etc., which took extensive efforts to cure.
5/18/2010	[Redacted] of	Kathie &	Versailles, MO	Buyer bought puppy from Petland. Within a week and a half, she was

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
	TX	William Blomberg -- Locust Creek Farm, License No. 43-A-1116		deathly ill. She was dehydrated, running a high fever and had to be put on an IV. She remained in the hospital for several days, but ultimately recovered.
8/29/2009	[Redacted] of IL	Michelle Sonnenberg, License No. 41-A-0021	Detroit Lakes, MN	Buyer purchased Shetland Sheepdog from Park Pet. He was only 7 weeks and 6 days old and only 1.1 pounds. At 8 months old he was diagnosed with moderate hip dysplasia, and must be on medication for the rest of his life.
3/19/2009	[Redacted] of PA	Michelle Sonnenberg, License No. 41-A-0021	Detroit Lakes, MN	Buyer purchased Cairn Terrier from Petland - puppy had a lower respiratory infection. When administered antibiotics she vomited immediately. Vet discovered that the puppy had a severe bronchial issue; puppy also has major separation anxiety and vision issues.
2/1/2012	Michnick, Brittany of IL	Monroe Hochstetle, License No. 43-A-5801 (previously 43-A-5312)	Princeton, MO	A couple of months after purchase, buyer noticed significant amount of discharge coming from her puppy's eyes and ears. The vet put her on antibiotics and multiple ointments and told buyer to call if she wasn't getting better after a week. The puppy's eye discharge persisted, and vet advised another round of antibiotics. Shortly thereafter, puppy began seizing foaming at the mouth. Vet said puppy likely had distemper.
5/22/2012	Dreyer, Kristine of IL	Monroe Hochstetler, License No. 43-A-5801 (previously 43-A-5312)	Princeton, MO	Buyer's boyfriend purchased puppy from store, and the puppy was sick from the start. The vet treated him for a respiratory infection and gave him antibiotics. He started to get better but then got worse, and he was placed on an IV antibiotic, and stayed in the hospital for 3 or 4 days. He recovered, but then within months he developed tremor in his legs. The vets said the puppy would grow out of it, but this continued for months. Also, his teeth never developed. The vet later determined from all these symptoms that the puppy had contracted distemper prior to purchase.

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
2/8/2013	Powell, Brittany of OH	Elam Fisher -- Morgan Creek Kennel, License No. 32-A-0298	Williamsburg, IN	Within a day of purchase, the puppy began to have diarrhea and blood in his stool. Vet diagnosed him with giardia, as well as an upper respiratory infection. Later it became clear the puppy was also deaf.
10/14/2012	Sheahan, K.	Elam Fisher -- Morgan Creek Kennel 32-A-0298	Williamsburg, IN	Two days after purchasers brought the puppy home from the pet store, he began to have a dry honking cough. The vet diagnosed him with kennel cough. Eight days and a round of antibiotics later, the puppy's cough not only became worse but he began to struggle to breathe. The cough had turned into pneumonia. The puppy also had giardia. He remained lethargic, refused to eat, and had trouble breathing. Outcome unknown.
11/30/2008	Mullen, Sharon of IN	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Puppy began coughing within one week of purchase. She continued to get worse, and began vomiting, which caused dehydration. The vet placed her on IV medication and administered oxygen. They also took x-rays, which revealed that one of her lungs had collapsed and the other was infected. She was ultimately euthanized.
2/8/2010	Fisher, Sarah of OH	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Buyer's Saint Bernard began having seizures about one year after purchase, and was diagnosed with epilepsy. His seizures have gotten progressively worse and more frequent, even with daily medication. With his type of seizures it is likely that his mother or father also had the condition.
8/5/2009	Kooy, Kim of IN	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Complainant purchased a Cavalier King Charles. The puppy had medical issues immediately, and ultimately had to be euthanized.
2/22/2012	Wehrs, Sharon of IL	Prairie Lane Kennel, License No. 42-A-0331	New Sharon, IA	Complainant purchased a mini Dachshund puppy after the pet store assured her that she was healthy and did not come from a puppy mill. The vets discovered that she had mites, kennel cough, and a URI that could possibly turn in to pneumonia.

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
6/28/2013	Wickham, Bethany of CA	Ray and Steve Kruse, License No. 42-A-0575	Ogden, IA	Complainant purchased a bulldog puppy and within a month he has already had 2 different types of parasites, an upper respiratory infection, and bladder problems. Complainant is eager to help however possible.
4/1/2013	Segura, Maria of FL	Running River Kennels, License No. 71-A-0727	Altus, AR	Complainant purchased Yorkshire Terrier puppy from Petland in Sarasota, Florida. Puppy had kennel cough at first, but later through x-rays it became evident that the puppy had an enlarged heart, a genetic condition.
6/7/2013	Hammer, Rachel of NY	Brandi Cheney -- S & S Family Puppies / Circle B Farms, License No. 43-B-3698 (previously 43-B-0435)	Huntsville, MO	Complainant's puppy refused to eat almost immediately and was diagnosed with liver disease.
2/12/2012	Wyman, Chris of FL	Brandi Cheney -- S & S Family Puppies / Circle B Farms, License No. 43-B-3698 (previously 43-B-0435)	Huntsville, MO	Within the first week of purchasing a Shiba Inu puppy from Pampered Paws in Jacksonville, FL, buyer noticed three odd looking stitches on the puppy's belly. The puppy likely had had hernia surgery and the stitches looked "homemade."
1/25/2012	Sallee, Natalie of IL	Terry Glover, License No. 42-A-1358	Milton, IA	Complainant and her boyfriend adopted the puppy in 2012 from the original buyers via Craigslist. The puppy (Lucy) was diagnosed with distemper and a neurological issue and was euthanized on 1/24/2012. Original buyers did not disclose that she was sick when they gave her to the complainant and her boyfriend.
10/11/2009	Dorweiler, Tracie of IL	Barbara Neubert -- The	Vienna, MO	Buyer bought Italian Greyhound from Petland on 04/11/2009 in



<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
		Neubert Kennels and Farms, License No. 43-A-5777		Crystal Lake, IL. Vet believes her indicated age was fabricated. Puppy had an umbilical hernia a few weeks prior to purchase.
3/29/2009	Grammer, Phoenix of WI	Barbara Neubert -- The Neubert Kennels and Farms, License No. 43-A-5777	Vienna, MO	Buyer purchased Siberian Husky puppy from Petland for \$1,100 and she has been on medication since then. Puppy initially had a cough but then began to vomit and developed high fever. After a week of medication, the puppy still had a high fever. Puppy has continued to have health issues.
10/5/2012	[Redacted] of MO	Barbara Neubert -- The Neubert Kennels and Farms, License No. 43-A-5777	Vienna, MO	Buyer actually went to the facility and observed cages/kennels stacked on top of each other, dogs exposed to the elements, and other unsanitary conditions. Purchased a puppy anyway, and she ended up having a genetic issue -- an "incomplete ossification of the humeral condyles," leaving her prone to fractures in her elbow. She did suffer a fracture in her right elbow after purchase, and underwent surgery. It was also discovered at the University of Missouri Vet Clinic that the puppy had a pre-existing fracture on the left elbow that was not disclosed to the buyer prior to purchase on her left elbow. The fracture was not properly treated, causing the puppy's left leg to curve, which will cause her to suffer from arthritis.
8/16/2012	Rode, Kristin	Tornado Alley Kennel, License No. 43-A-4748	Freeburg, MO	Complainant purchased a long haired dachshund, and the following day the puppy (Barley) seemed very lethargic, refused eat anything, and began having bloody stool. After an examination, the vet gave her liquids to get her rehydrated and medication. After showing no change, she was hospitalized and remained there for 5 days. Outcome unknown.
10/1/2011	Staudinger, Justen of CO	Waterman Farms, License No. 48-A-1742	Atwood, KS	Buyer purchased puppy on Sept. 8th and she died on the 23rd. She arrived very dirty and smelled of urine, and several weeks later she became very lethargic and her gums became white. She was rushed to the vet, where she was diagnosed with parvo. She died shortly

<u>Complaint Date</u>	<u>Complainant</u>	<u>Breeder</u>	<u>Breeder Location</u>	<u>Complaint</u>
				thereafter. The store offered buyer another puppy, which he agreed to. Second puppy had loose stool and worms, as well as a wheezing cough. She was placed on antibiotics. Outcome unknown.

Exhibit D-1

Photographs of Wire Floors and Injured Paws

## Photographs of Wire Floors and Injured Paws<sup>1</sup>

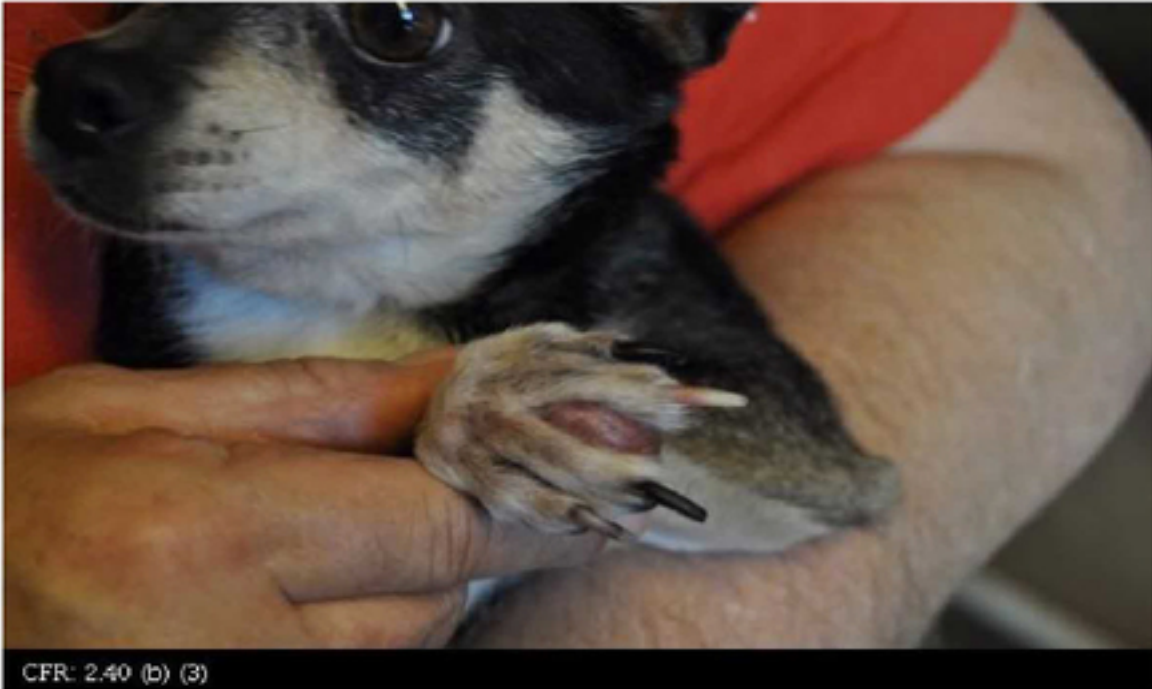


Left: male Maltese with bleeding lesion between the toes on the left front paw. From inspection of Cathy Griesbauer & Mary Foster, License # 43-A-1843, 12/4/13

Below: Dachshund straddling widely-spaced wire flooring. From inspection of Cathy Griesbauer & Mary Foster, License # 43-A-1843.



<sup>1</sup> These pictures were obtained by the Petitioners from USDA through FOIA requests.



CFR: 2.40 (b) (3)

Photographer:	Sandra Meek, ACI	Legal Name:	71-B-0123
Photo Taken:	Thu, Apr 10, '14 11:30am	ANITA GUSTIN	
Inspection:	59141219358510		
Description:	Adult female Chihuahua, #4949196A4A, has an enlarged red area between the two middle digits of the left front paw. The animal needs to be evaluated by the attending veterinarian.		

Above: adult female Chihuahua found by USDA with swollen area between toes, probably due to wire flooring.



Inspection discovered puppies unable to move due to feet falling through the openings in the wire flooring. (July 20, 2011)

Exhibit D-2

Photographs of Dogs Without Clean Spots

## Photographs of Dogs Who Have No Clean Spots Available to Lie Down<sup>1</sup>



Taken at certificate holder Angela Fields' facilities (report no longer available online)

<sup>1</sup> These pictures were obtained by the Petitioners from USDA through FOIA requests.





Taken at certificate holder Anita Baker's facilities (report no longer available online)



Taken at certificate holder Corrina Keezer's facilities (report no longer available online)



Both taken at certificate holder Daryl Kendrick's facilities (report no longer available online)



Taken at certificate holder Nick and Tiffany Menne's facilities (report no longer available online)

Exhibit D-3

Photographs of Stacked Cages

## Photographs of Stacked Cages

Photos from nopetstorepuppies.com

Debra Pratt

10/4/12



Moses and Barbara Lantz

5/22/12



Moses and Barbara Lantz

5/22/12



“Enterprise kennels”: MC Daniel, Mark & Glenda

4/5/11



“Circle B Kennel”: Susie Black

6/22/11



Ruth Hargrove

10/3/12



Ruth Hargrove

10/3/12



Clarence Anderson

11/1/12





Danny & Vickie Ubben

6/12/13



Danny & Vickie Ubben

6/12/13



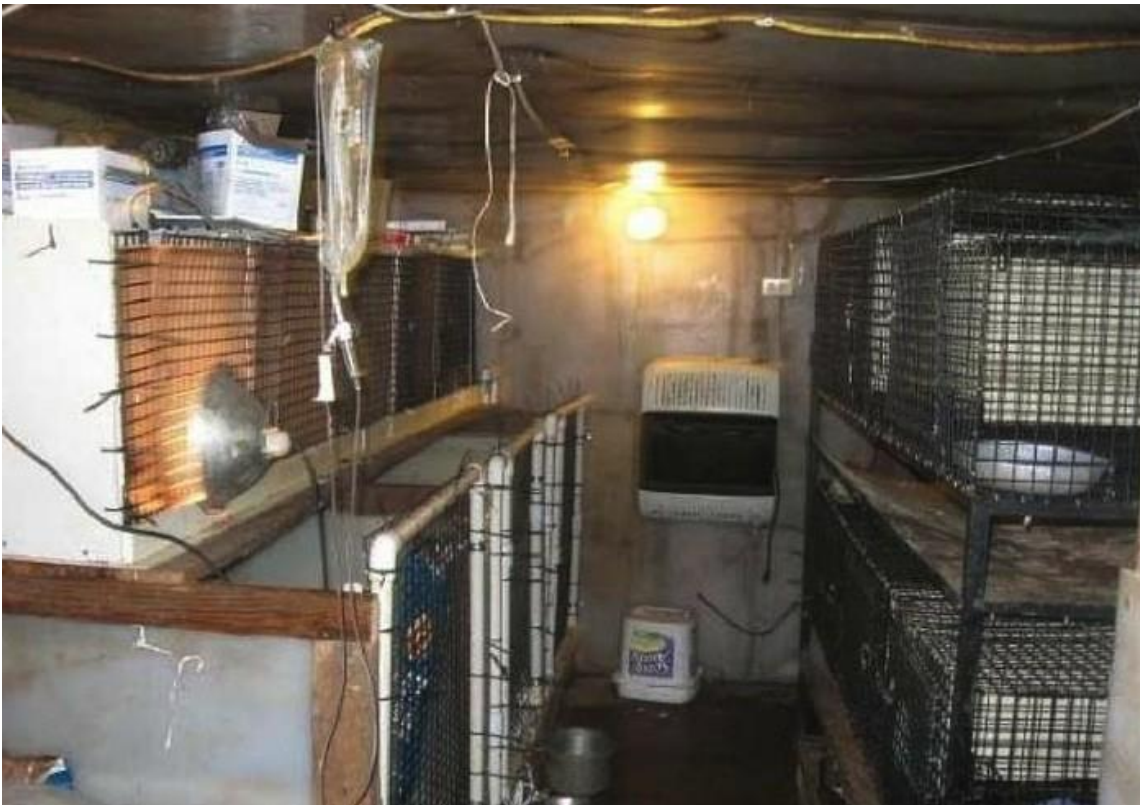
Robert Beachy

9/5/13



“Brownlee’s Furry Friends”: Robert Brownlee

8/10/10



Barbara & Dale Lanning

9/4/13



Wayne Miller

11/14/12



Wayne Miller

11/14/12



Ryan & Hannah Raber

12/10/12



Brenda Rauber

4/20/11



Harvey Miller

12/1/10



Roy Yoder

12/3/12



Jacob Yoder

10/23/12



Sandra Parson

7/1/10



Sandra & Tom Espey

6/22/11



Partee, Terrie & Harris, Robert & Sandra

7/7/11





Leroy Esh

11/19/12



Eli Yoder

4/17/13



“Gadient Kennels Gadient”: Marty & Keelee

8/24/10



Chad Wulf

7/23/14



Peggy Morris

8/24/11



David Chupp

11/7/11



Ronald Nickell Jr & Stephanie Nickell

6/3/13



Elsie Hatfield

4/27/11



Betty R. Bratcher

5/2/11



Earl Light

10/25/10



Charlene & Darlene Koster

6/28/11



James & Kathy Sanborn

3/15/11



Edna Hanegan

4/5/11



Edna Hanegan

4/5/11



David & Steven Miller

10/3/12



Charlene Jay

6/8/11





Loren Miller

12/17/12



Diana Cossairt

12/20/10



Exhibit D-4

Photographs from Inspections

## Photographs of Dogs Found In Poor Condition<sup>1</sup>

### USDA Licence # 48A1519

Adult female Chihuahua ( microchip number 056 011 344 ) is thin in appearance. (September 24, 2012)



<sup>1</sup> These pictures were obtained by the Petitioners from USDA through FOIA requests.



Adult female Fox Terrier (microchip number 055 565 377) has an open wound on top of its neck. (September 24, 2012)



Emaciated cream- and fawn-colored Chihuahua with microchip number 056 011 344



**USDA Licence # 32A0462**

Female Boxer with USDA tag #27 has increased discharge adhered to the hair around her right eye



**USDA Licence # 47A0410**

Adult female Bichon with no identification and no name (in enclosure behind house) has a matted hair coat and a swollen eyelid. (March 26, 2014)



Female adult Poodle with tag 194 had a matted coat. (March 26, 2014)



Adult female Miniature Pincher with no name and no identification has a swelling near her rear end and dental disease. (March 26, 2014)





Adult male Chihuahua with tag 145 has an eye problem and dental disease. (March 26, 2014)



Female adult Shih Tau with tag 327 with a matted coat. (March 26, 2014)



Yorkshire Terrier 148 still has dental disease.



Male Shih Tzu 224 with eye problem.



**USDA Licence # 31A0482**

Dental disease in seven year-old, female, Yorkshire Terrier with USDA tag number 15.



Thickened, leathery skin on the neck of the six year-old, female, Maltese dog with USDA tag number 31.

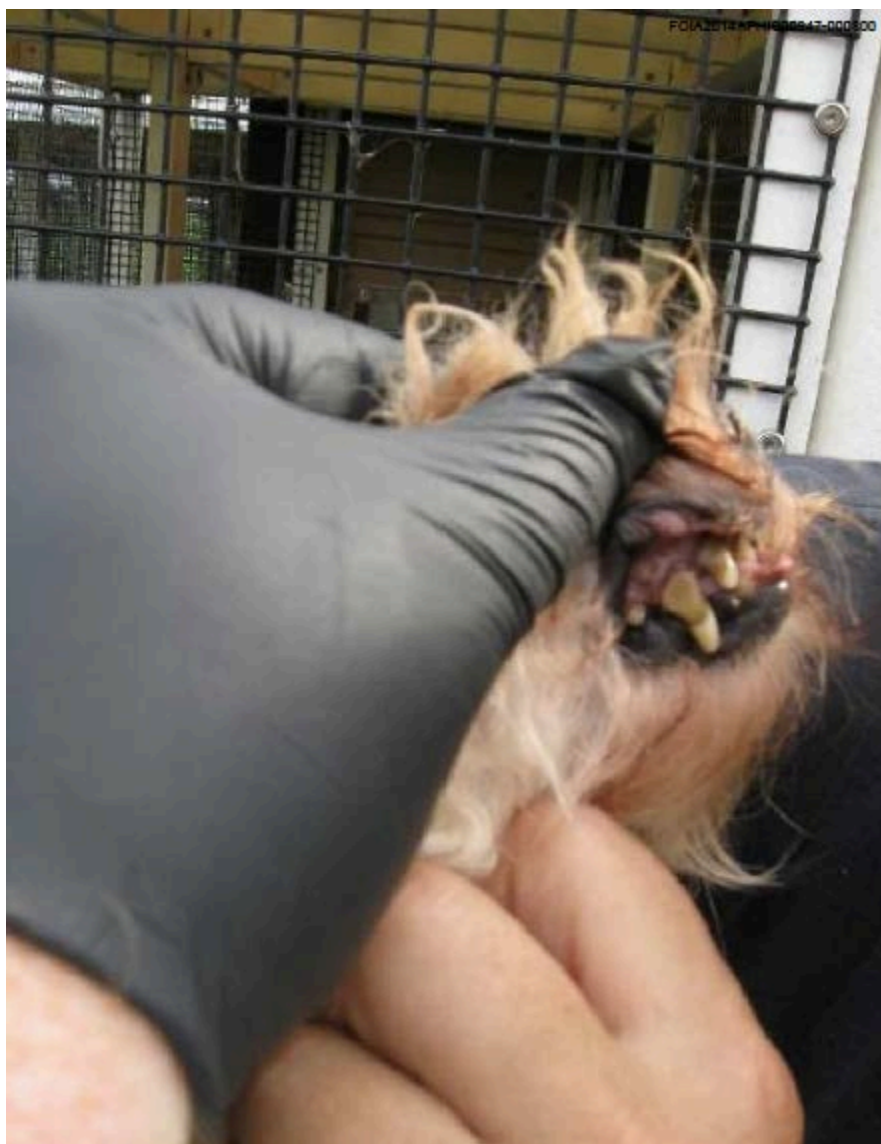


Left eye of the five year-old, female Shih Tzu with USDA tag number 039.



**USDA Licence # 46A0394**

A white female (ID#94) with buildup of brown material on cheek/canine tooth. left side.  
(September 4, 2013)



A female black Pug (ID# 197) with yellowish discharge coming from both eyes. (September 4, 2013)



A female (ID#91) "Goofy eyes", right eye, with reddish material intertwined around the eye ball. (September 4, 2013)



A male Pomeranian (ID#195) with buildup of brownish material with gray discharge on left side.  
(September 4, 2013)





**USDA Licence # 71A0676**

Adult female Pomeranian, #064619330, needs to be evaluated by he attending veterinarian. The animal has drainage from both eyes and green / gray matter on canines, gums and molars. (March 6, 2014)





Pomeranian, #020610346, has green goopy matter in both eyes, green & black matter on all teeth and gums. The upper canine [sic] tooth on the right was bleeding. The animal needs to be evaluated.





In the northern most set of outdoor ground enclosures there is a Yorkshire Terrier, non-readable chip, who had a circular white area in the center of her eye. The animal needs to be evaluated.



Male Pomeranian, #051309259, excessively salivating, no teeth and the jaw bone on left partially missing and detached from the gums with the bone exposed. The animal needs to be evaluated.



**USDA Licence # 43A5795**

ID 463C1C3D2C Female Yorkshire Terrier-Heavy matting across topline, long facial hair with dangling matts from face and neck. (June 18, 2014)



ID 4C1A091FAC Female Yorkshire Terrier- Heavy, tight matts across topline. (June 18, 2014)



ID 101098773 Male Yorkshire Terrier - Heavy tight matting across topline with white flaky skin. Long facial hair with loose mats. (June 18, 2014)



**USDA Licence # 47A0410**

Male adult Pomeranian with no identification ("Skippy") has dental disease.



Adult male Shih Tzu with tag number 224 has a matted coat. There are mats and discharge around the eyes and the mats on the face are dirty and moist.



Female tricolor Pomeranian with no identification ("Pixie") had dental disease and hair loss/bare skin.



Male adult Pomeranian with no identification ("Skippy") has dental disease.





Adult female Bichon with no identification ("Harriet") has dental disease and a matted hair coat.



Male adult Dachshund with no identification ("Herman") has dental disease and long toe nails.



**USDA Licence # 57A0179**

Dermatitis and scales on back of female Miniature Pincher with moist reddened and raw skin.



**USDA Licence # 74A1475**

Female Poodle, "Marti" tag number 117 with hair loss and rough, dry, flaky skin along back.  
(December 30, 2013)



Fluffy # 135, red skin, mats in hair, fleas and flea dirt (December 30, 2013)



Dog #153, "Pinky" with numerous fleas and matting seen on the abdomen.



Exhibit E

Excerpts from USDA Inspector Reports  
Regarding Swelling and Other Paw Injuries



## Inspection Report

ABE YODER

Customer ID: **33515**

Certificate:

Site: 001

ABE YODER

Y L A KENNELS

2461 TR 176

Type: PRELICENSE INSPECTION #1

Date: Oct-11-2011

BALTIC, OH 43804

### 2.1 (a) (1)

#### REQUIREMENTS AND APPLICATION.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license.

During the inspection, inspectors asked the applicant about the location of puppies that had been observed by inspectors on a previous consultation visit. The applicant's wife stated that they "had sold them to the two normal brokers". Further questions revealed that even though they had known that their previous license had expired in April, they thought that they could still sell the puppies on their old license. The inspector that had visited with the applicant and his wife on the consultation visit, reminded them that she had counseled them specifically on this issue and had told them that no puppies could be sold to brokers without a valid USDA license.

Inspectors examined records that were provided by the applicant. From the records that were able to be viewed, inspectors found that from May 27, 2011 to August 5, 2011 at least 44 puppies, (numbers 11-085 to 11-139 on the photographed records), were listed with their physical descriptions and birthdates. At the time of this pre-license inspection, none of these puppies were available to be viewed or examined. The applicant's wife stated that she thought that she didn't need to keep disposition records of the puppies during the time that she was unlicensed.

One disposition sheet was found for 8 puppies (11-89 through 11-96) but no buyer was listed.

A USDA license is required to sell puppies to a broker. Dogs and puppies that are sold wholesale need to be able to be inspected, examined, and tracked to ensure their health, safety, and well-being.

**NO WHOLESALE SALES OF DOGS OR PUPPIES ARE ALLOWED UNTIL A CURRENT USDA LICENSE IS ISSUED TO THE APPLICANT.**

Applicant must not sell puppies to a broker without a current, valid USDA license.

Prepared By:

JEREMY STEELE

JEREMY T STEELE

USDA, APHIS, Animal Care

Date:

Title:

COMPLIANCE SPECIALIST

Inspector 6039

Oct-11-2011

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-13-2011



## Inspection Report

2.40 (b) (2)

### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Sec. 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;...

\*\*\*A female Chihuahua (#140) was observed with what appeared to be a swollen area, compared to the opposite side, on the upper right side of her top jaw. Her upper lip on that side appeared "puffed out" as if she had something in between her cheek and gum. When this dog was examined, she was found to have a buildup of a brownish-green material on her teeth. Her gums were swollen, reddened, and her gum line had receded in several places.

\*\*\*A female miniature Poodle (#42) was observed to be holding her tongue out between her front teeth. The dog was examined and was found to have a large amount of a brown substance on her right front canine tooth. There was a grey discharge at the gum line and the Poodle very sensitive to touch around her mouth.

\*\*\*A female Pomeranian (#29) was observed to be holding her mouth open with the end of her tongue protruding from the front of her mouth. This female had a brown buildup of material on her front and canine teeth. She had a greyish colored discharge around the gum line of her canine teeth as well as a grey mass that appeared to cover several teeth on the rear teeth on the right side of her jaw. The gums were reddened throughout her mouth and a foul smell was noticed.

These three dogs are exhibiting signs that are consistent with the symptoms of dental disease. Dental disease can cause pain and lead to other health problems.

\*\*\*A female miniature Poodle (#59) was observed holding her head at an odd angle and repeatedly licking her lips while nursing her litter of puppies. This female also had an abnormal amount of a dark, crusted substance on the right side of her face, ears, and under her eyes. The inspectors asked the applicant to pick up the dog so the condition of her teeth could be examined. When the dog's lip was raised, to enable a better view of her teeth, it was noticed that the dog's lower jaw moved freely with minimal pressure. When asked about the jaw, the applicant stated that the veterinarian had told them that the jaw was broken but didn't "really say anything about it".

\*\*\*A female chihuahua (no ID tag), in the main building on the top row on the right side, second enclosure in, was observed to be limping on her right front leg. A swollen, reddened sore spot was found on the webbing between her toes.

\*\*\*A female Chihuahua (#141) was observed to be walking with an exaggerated gait. She appeared

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Oct-11-2011

Received By:

(b)(6),(b)(7)(c)

Date:

Title:

Oct-13-2011



## Inspection Report

**extremely bowlegged** but seemed to be excessively so on her right front leg. Her right front leg, near the shoulder, had several small puncture wounds. A gentle moving of her leg showed a stiffness and a limited range of motion.

These three dogs are showing abnormalities from a normal, healthy dog. If left untreated, these symptoms could develop into more significant problems and compromise the health of the dogs.

All six of these dogs must be seen by a licensed veterinarian so that a diagnosis can be made, for each dog, regarding the identified issues. A treatment plan for each one of these dogs must be obtained from a licensed veterinarian, and this treatment plan must be followed and documented by the applicant. The diagnosis, treatment plan, and documented treatment procedures must be made available for review by APHIS officials at their request...

AND

A dental treatment plan for the entire kennel must be developed with the attending veterinarian. This dental treatment plan should include a system for identifying problems, treatment recommendations for the affected animals, a plan for having affected animals treated, and preventative methods to be utilized by the applicant at the direction of the attending veterinarian. This must be completed before the next pre-license inspection.

### 2.40 (b) (3)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

- (b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
  - (3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

\*\*\*A female Chihuahua (#140) was observed with what appeared to be a swollen area, compared to the opposite side, on the upper right side of her top jaw. Her upper lip on that side appeared "puffed out" as if she had something in between her cheek and gum. When this dog was examined, she was found to have a buildup of a brownish-green material on her teeth. Her gums were swollen, reddened, and her gum line had receded in several places.

\*\*\*A female miniature Poodle (#42) was observed to be holding her tongue out between her front teeth. The dog was examined and was found to have a large amount of a brown substance on her right front canine tooth. There was a grey discharge at the gum line and the Poodle very sensitive to touch around her mouth.

<b>Prepared By:</b>	JEREMY STEELE		
<b>Title:</b>	JEREMY T STEELE	USDA, APHIS, Animal Care	<b>Date:</b>
	COMPLIANCE SPECIALIST	Inspector 6039	Oct-11-2011
<b>Received By:</b>	(b)(6),(b)(7)(c)		
<b>Title:</b>			<b>Date:</b>
			Oct-13-2011





## Inspection Report

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\*\*\*A female chihuahua (no ID tag), in the main building on the top row on the right side, second enclosure in, was observed to be limping on her right front leg. A swollen, reddened sore spot was found on the webbing between her toes.

\*\*\*A female Chihuahua (#141) was observed to be walking with an exaggerated gait. She appeared extremely bowlegged but seemed to be excessively so on her right front leg. Her right front leg, near the shoulder, had several small puncture wounds. A gentle moving of her leg showed a stiffness and a limited range of motion.

The health issues with these dogs were not noticed or documented by the applicant prior to the inspection. For the safety and health of the dogs, a daily observation of the dogs needs to be conducted and any problems need to be communicated to the attending veterinarian.

Applicant must develop a system of observing problems or illness, documenting them for follow up, and communicating with the attending veterinarian frequently.

### 3.1 (c) (1) (i)

#### HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

(i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface...

\*\*\*There were two sheltered housing facilities with outdoor runs behind the barn. The wire panels that were utilized as walls in the enclosures were covered with rust.

\*\*\*The hinges and doggie door areas and the bungee hooks holding the feeders in place had excessive rusted areas.

Surfaces with rust cannot be properly cleaned and sanitized which can effect the health, comfort and well

Prepared By:

JEREMY STEELE

JEREMY T STEELE

USDA, APHIS, Animal Care

Date:

Title:

COMPLIANCE SPECIALIST

Inspector 6039

Oct-11-2011

Received By:

(b)(6),(b)(7)(c)

Date:

Title:

Oct-13-2011



## Inspection Report

CATHY GRIESBAUER, MARY FOSTER

Customer ID: 4625

Certificate: 43-A-1843

Site: 001

CATHY GRIESBAUER, MARY FOSTER

COUNTRY PETS

88 DAVIS RD

MONTGOMERY CITY, MO 63361

Type: ROUTINE INSPECTION

Date: 04 December 2013

### 2.40 (b)(2) REPEAT

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\*\*There was a female Siberian Husky (#086\*378\*592) with lesions noted on the left side of the upper lip, below the left eye and on both sides of the lower portion of the muzzle. On closer observation, the left side of the upper lip had an approximately 1 inch linear laceration-like lesion that appeared to be full thickness through the lip. Some of the surrounding fur in this region was wet with a whitish-yellow discharge. Near this lesion on the upper lip was another linear lesion with hair loss which was approximately 1 inch in length. Also, below the left eye was a linear region of hair loss. On the front lower right lip, there was an approximately 1/2 cm diameter region of pinkish red discharge. On the front lower left muzzle area there was also a section of hair loss. According to the licensee, this dog was in a fight on Saturday with the other Siberian Husky that shared the same enclosure. These lesions could be the result of the dog fight and may be infected or painful. This dog had not been examined by a veterinarian for its condition nor was the dog under any type of treatment at the time of inspection. The licensee must have this animal examined by a veterinarian by 7 December 2013 in order to obtain an accurate diagnosis and ensure that an appropriate treatment plan is developed and followed.

\*\*\*There was a female Poodle (#033\*834\*317) that had a dental condition. Upon closer observation of the right side of the mouth, the teeth had a heavy build-up of yellowish brown to greenish grey material on the teeth. This abnormal build-up of material covered the majority of the teeth and extended into the gumline. The gums appeared reddened and had receded along some of these teeth. Upon closer observation of the left side of the mouth, a red blood-like material was observed mostly on and surrounding an upper cheek tooth. The tooth appeared to have a linear-like lesion on the front portion of the tooth which appeared to extend into the gumline. The dog flinched while attempting to look in the left side of the mouth so repeated attempts were not made. The abnormal build-up of material on the teeth can cause damage to the gum tissue and tooth structures. The blood-like discharge could indicate an injury, dental condition or other veterinary medical condition. These conditions could be painful, may decrease the dog's ability to eat normally and negatively impact the overall health of the animal. The licensee must have this animal's mouth and teeth examined by a licensed veterinarian no later than 7 December 2013 in order to ensure that an accurate diagnosis is made and an appropriate dental treatment plan is developed and followed. The licensee must develop and establish an effective dental care program as part of the overall program of veterinary care for the animals in the facility.

Prepared By:

ERIKA LEISNER, D.V.M.

ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER Inspector 6037

Date:

05 December 2013

Received By:

(b)(6), (b)(7)(c)

Date:

05 December 2013

Title:



## Inspection Report

\*\*\*There was a male Dachshund (#043\*002\*598) observed holding the left rear leg up and bearing little to no weight on the left rear leg. According to the licensee, she first noticed this dog's condition yesterday but a veterinarian had not been contacted regarding the dog's condition. This dog's lameness could be due to an injury or other veterinary medical condition which could be painful.

\*\*\*There was a male Maltese (#016\*830\*359) with a raised lesion between the toes on the left front paw. The fur surrounding the lesion appeared wet with a red blood-like material. The lesion was blue to grey to purple and approximately 1/2 inch in diameter. The lesion between the toes could be the result of an injury, infection, illness or other veterinary medical condition which may cause discomfort.

The licensee must consult with a veterinarian regarding the conditions of the male Dachshund (#043\*002\*598) and male Maltese (#016\*830\*359) by 7 December 2013 in order to obtain accurate diagnoses and to ensure that appropriate treatment plans are developed and followed.

\*\*\*There was a black female Poodle (0A01616971) with generalized matting of the fur. Several various sized matts were especially noted on all four paws and legs. Matting can be uncomfortable and can increase the risk of skin sores. The licensee must ensure this dog is groomed and establish an appropriate grooming schedule for all dogs.

The licensee must ensure that all animals receive adequate veterinary care at all times.

\*Note: The Shih Tzu (#0A0-125-2706), Bichon Frise (#094-357-256), Weimaraner (#097-297-063) and Basset Hound (#0A0-125-2464) included on the report under section 2.40 (b)(2) for the inspection conducted on 9 August 2012 were examined by a veterinarian on 13 August 2012.

3.1 (a)

### HOUSING FACILITIES, GENERAL.

(a) Structure; construction.

The outdoor portion of the facility had several igloo style dog shelters that were in disrepair. At least 7 igloo style shelters had chewed entrances with roughened and/or sharpened edges; dog hair was observed on some of these roughened edges. There were at least 6 igloo style shelters that had holes which were approximately 2 inches in diameter on their tops. Also, at least one igloo style shelter had a crack down the side of it and a gap was present. The rough surfaces of the chewed edges increase the risk of injury to the dogs and also decrease the ability of the surface to be properly cleaned and sanitized. The igloos with holes or cracks do not completely protect the dogs from the elements. The licensee must ensure, at all times, that all animal housing facilities are kept in good repair and that they protect the animals from injury. TO BE CORRECTED BY: December 12, 2013.

3.1 (c)(3)

### HOUSING FACILITIES, GENERAL.

(c) Surfaces (3) Cleaning.

\*\*\*The Dachshund sheltered building and Mary's whelping building had several surfaces that had a build up of dirt and grime. Within the Dachshund building, at least 7 exterior walls had a brownish dirt and grime on them

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05 December 2013

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(b)(6), (b)(7)(c)

Date:

05 December 2013

Title:



## Inspection Report

affecting approximately 14 dogs. Inside Mary's whelping building, at least two whelping enclosures, affecting 10 puppies and 2 adult dogs, had a brownish dirt and grime smeared on the floors and half way up the walls. The exterior enclosures of the Mary's whelping building had clumps of hair on the tops of at least 5 enclosures, hanging down into the enclosures. Buildings and surfaces which are not cleaned and sanitized properly or often enough increase the risk of disease hazards to the dogs. The licensee must ensure all surfaces in contact with the dogs are spot cleaned daily and sanitized at least once every two weeks. The licensee must ensure all other surfaces of housing facilities are cleaned and sanitized when necessary to satisfy generally accepted husbandry standards. TO BE CORRECTED BY: December 12, 2013.

### 3.4 (c)

#### OUTDOOR HOUSING FACILITIES.

##### (c) Construction.

\*\*\*There were outdoor enclosures at the facility which contained a total of approximately 55 dogs with concrete flooring that contained cracks and appeared to be absorbing moisture and was wet. At least three enclosures contained various sized cracks in the concrete and brownish, murky-like water was observed standing in portions of the wider cracks. According to the licensee, the concrete was last sealed in August and the enclosures had last been cleaned the evening before the day of inspection; however, the concrete was very wet at the time of inspection and most of the dogs in these enclosures were observed with varying degrees of wet and discolored hair coats. Surfaces in contact with the animals which are not impervious to moisture or are not maintained increase the risk of disease hazards to the animals. The licensee must ensure that the cracks in these enclosures are repaired or replaced and that all building surfaces in contact with the animals in the outdoor housing facilities are impervious to moisture and are maintained on a regular basis. TO BE CORRECTED BY: March 31, 2014.

### 3.6 (a)(2)(v)

#### PRIMARY ENCLOSURES.

##### (a) General requirements

\*\*\*The outdoor portion of the facility with concrete flooring in the enclosures contained a total of approximately 55 dogs most of which were observed with varying degrees of wet and discolored hair coats, especially on the dogs' paws, legs, chest & abdominal areas. The majority of the entire floor in these enclosures was wet and contained various amounts of fecal material. According to the licensee, the enclosures were last cleaned the evening before the day of inspection. When the dogs' hair coats become wet and dirty it can decrease the comfort and well-being of the animals as well as increase the risk of skin lesions and other disease hazards. The licensee must ensure that all primary enclosures are constructed and maintained so that all the dogs remain clean and dry. TO BE CORRECTED BY: December 7, 2013.

### 3.6 (c)(1)(i)

#### PRIMARY ENCLOSURES.

##### (c) Additional requirements for dogs--(1) Space.

\*\*\*Within one of the whelping buildings (Mary's Building), there were four weaned Dachshund puppies which

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05 December 2013

Received By:

(b)(6),(b)(7)(c)

Date:

05 December 2013

Title:



## Inspection Report

were approximately 7 weeks old housed together in a primary enclosure which did not have the required amount of minimum floor space. Each pup, at 10 inches in length, requires 1.78 square feet of floor space. All four pups together in one enclosure require 7.11 square feet of floor space. The indoor enclosure measured 30x24 inches, providing a total of 5.0 square feet of floor space. This does not account for the floor space taken up by the 6 inch diameter feeder or the 5 inch diameter water receptacle. These pups require no less than 7.11 usable square feet in order to ensure their comfort, health, and well being. The licensee must ensure that all animals in all enclosures have access to at least the minimum floor space required by this section. TO BE

CORRECTED BY: December 5, 2013.

3.11 (a)

### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(a) Cleaning of primary enclosures.

\*\*\*There were at least five outdoor hutch style enclosures with a large build up of fecal material under them. The flooring of the hutch style enclosures was approximately 2 feet above the ground and a pile of feces at least 12 inches deep was observed under one of these enclosures. One of the sheltered buildings and Jerri's whelping building also had an excessive amount of fecal build up under the outside portions of the enclosures. The licensee stated that she cleans the fecal material from under the enclosures every two weeks. The accumulation of waste can increase the risk of health hazards, attract insects and pests, and produce odors. The licensee must ensure that the ground areas under raised enclosures are cleaned as often as necessary to prevent an accumulation of waste. TO BE CORRECTED BY: December 7, 2013.

The inspection was conducted with the licensee. The exit interview was conducted on December 5, 2013 with the licensee.

<b>Prepared By:</b>	<b>ERIKA LEISNER, D.V.M.</b>	
<b>Title:</b>	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care VETERINARY MEDICAL OFFICER Inspector 6037	<b>Date:</b> 05 December 2013
<b>Received By:</b>	(b)(6), (b)(7)(c)	
<b>Title:</b>		<b>Date:</b> 05 December 2013



## Inspection Report

Jason Riggs  
26545 416th Avenue  
Ethan, SD 57334

Customer ID: **325010**  
Certificate: **46-A-0404**  
Site: 001  
Jason Riggs

Type: ROUTINE INSPECTION  
Date: Jan-29-2014

**2.40 (b) (2) REPEAT DIRECT NCI  
ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

The following dogs were found to require veterinary care

A female dachshund with no ID located in pen number 100 has a firm, thick material encasing nearly the entire surface of the upper and lower canine teeth. A milky grey/tan substance is present along the gum line of several of the cheek teeth. The gums are severely swollen and red, exhibit slight bleeding and are starting to pull away from the teeth surfaces.

A male cocker spaniel named "Tommy Boy"(no microchip) has a blueberry size enlargement on the dorsal aspect of the left forepaw located at the base of the inter-digital space between the second and third toe. It is void of hair, has a pink/red appearance and is quite firm in texture.

A female French bulldog named "Scarlet"(no microchip) has a severely overgrown toenail on the first digit of the left forepaw and slightly overgrown nails on all other toes. She appears to be somewhat reluctant to move about her enclosure.

A male French bulldog named "Chase"(no microchip) has one area on the anterior lateral aspect of both forefeet that exhibit somewhat thickened skin, are void of hair and slightly darkened in color.

A female dachshund (ID # 465C211153E ) appears quite thin with generalized lack of body condition and ribs that are very evident upon visual observation.

A female miniature pinscher ( ID # OAO2215678 ) is exhibiting poor body condition with ribs and some other skeletal structures that are visually apparent.

A female, black & tan miniature pinscher (ID# 072 041597) had an open wound on the left front leg. The wound appeared to be healing. When addressed with the licensee they stated the dog had not been seen by the attending veterinarian but they had been applying hydrocortisone to the wound.

The licensee must have these animals examined by a veterinarian to obtain an accurate diagnosis and appropriate treatment plan. The outcome of this consultation must be documented in writing and

Prepared By:

DEE HEEZEN, V.M.O

DEE HEEZEN, V.M.O USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 6076

Feb-11-2014

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Feb-12-2014



## Inspection Report

provided to the inspector upon request. The licensee must ensure that all animals receive adequate veterinary care at all times.

**2.50** (a) (1)

### TIME AND METHOD OF IDENTIFICATION.

There are at least four dogs at the facility that do not have official identification. Official identification is needed to ensure that each animal's identity can be known with certainty and to facilitate the inspection process. The licensee must ensure that all dogs are officially identified by collar, tattoo or microchip. To be corrected by February 28, 2014

**2.75** (a) (1)

### RECORDS: DEALERS AND EXHIBITORS.

The record of dogs on hand form is not complete. This form does not include the name, address, USDA license number (or driver's license number and vehicle license number) for the people who the animals were acquired from. The dog identification number was also missing from several dogs. This form listed 84 dogs, yet 105 dogs were counted in the kennel. Complete and accurate records are essential to ensure each animal's identity can be known with certainty, to keep track of veterinary treatment, and to facilitate the ability to trace the source of the dogs. The licensee must maintain complete and accurate records of all dogs at all times at their facility. Correct by 28 February 2014.

**3.6** (a) (2) (x)

### PRIMARY ENCLOSURES.

There is a litter of miniature pincher puppies housed on 1 X1 flooring. The feet and legs of these puppies were observed to be falling through these openings. Floor openings too large for the animals feet may cause injury to the animals. The openings of slatted flooring must be small enough that they do not allow the passage of the feet or legs of the dogs.

The kennel representative placed a solid whelping box in this enclosure during the inspection.

Exit interview was conducted with the licensee

<b>Prepared By:</b>	<b>DEE HEEZEN, V.M.O</b>	
	DEE HEEZEN, V.M.O                      USDA, APHIS, Animal Care	<b>Date:</b>
	<b>Title:</b> VETERINARY MEDICAL OFFICER Inspector 6076	Feb-11-2014
<b>Received By:</b>	<b>(b)(6),(b)(7)(c)</b>	
	<b>Title:</b>	<b>Date:</b>
		Feb-12-2014



## Inspection Report

Johnny Dake  
J & M Kennels  
21448 Hwy 135  
Stover, MO 65078

Customer ID: **30594**  
Certificate: **43-A-4494**  
Site: 001  
JOHNNY DAKE

Type: ROUTINE INSPECTION  
Date: Jan-07-2014

### 2.40 (b) (2) REPEAT

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\*\*A 10 year old, female Shih Tzu (087\*379\*530) was seen frequently licking and rubbing her face along the side of the enclosure. On closer observation, most of the teeth had a heavy build-up of yellowish brown material on their surface which extended up to the gumline. The gums were swollen and reddened especially along some of the upper cheek teeth. Also, there was a whitish grey creamy looking material at the gumline of the upper left cheek teeth. The abnormal build-up of material on the teeth can cause damage to the gum tissue and tooth structures. These conditions could be painful, may decrease the dog's ability to eat normally and negatively impact the overall health of the animal. The licensee agreed to have this animal's mouth and teeth examined by a licensed veterinarian no later than 11 January 2014 in order to ensure that an accurate diagnosis is made and an appropriate dental treatment plan is developed and followed. The licensee must develop and establish an effective dental care program as part of the overall program of veterinary care for the animals in the facility.

\*\*\*A female Shih Tzu (#4632364346) was seen occasionally favoring and licking at the left front paw. On closer observation there was a raised lesion noted between the toes on the left front paw. A yellowish white discharge and a red blood-like material appeared to be coming from the lesion and was in the surrounding fur which was slightly matted. The lesion was approximately 3/4 inch by 1/8 inch and a large portion appeared pinkish red, moist and flesh-like. According to the licensee, he was not aware of the lesion until the inspector pointed it out. The lesion between the toes could be the result of an injury, infection, illness or other veterinary medical condition which may cause discomfort. The licensee agreed to consult with a licensed veterinarian regarding this animal's condition by 11 January 2014 in order to obtain an accurate diagnosis and to ensure that an appropriate treatment plan is developed and followed.

\*\*\*There was an approximately 6 month old, white, male Shih Tzu (#JD13096) that had long hair with large sections of matted fur generally located over the dog's body. Some of the largest matts were observed around the eyes, ears, feet and legs. The matts in the fur surrounding the eyes were so large that the eyes were difficult to see. Also, fecal material was matted in the hair coat beneath the tail. Matting can be uncomfortable and can increase the risk of skin sores. The licensee must ensure this dog is groomed and establish an appropriate grooming schedule for all dogs.

The licensee must ensure that all animals receive adequate veterinary care at all times.

Prepared By:

ERIKA LEISNER, D.V.M.

ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care

Date:

Title:

VETERINARY MEDICAL OFFICER Inspector 6037

Jan-09-2014

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Jan-09-2014





## Inspection Report

\*Note - The female Boston Terrier (#4A13442068) which had been previously included on the report for the inspection conducted on 11 Apr 12 under 2.40 (b)(2) had been addressed.

**2.40** (b) (3)

### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\*\*There was an approximately 4 week old male Shih Tzu puppy found dead in the outdoor portion of an enclosure for the sheltered building. The licensee removed the puppy which was in a statue-like state and imprints from the wire flooring were observed across its ventral belly and chest region. Just prior to the outdoor inspection of the sheltered facility, the indoor portion of the facility had been inspected; the licensee had been asked by an inspector at that time if there was a missing puppy in the enclosure because only four were counted but the cage card said there were five puppies. The licensee responded no and mentioned that one of the puppies had died. The licensee then crossed off one of the puppies listed on the cage card. Then, while subsequently inspecting the outdoor portion of the sheltered facility, the puppy was found dead in its enclosure and was removed by the licensee at that time. The licensee then referred to the puppy as the missing puppy. While walking outside to inspect one side of the outdoor portions of the enclosures, no footprints were observed in the snow which was at least 3 inches deep. According to the licensee, the outdoor portions of the enclosures had last been cleaned on Saturday evening. According to the National Weather Service, there was snowfall in the area on Sunday, 5 Jan 14, and the air temperatures in the region for the past 2 days were: 6 Jan 14 high of 2 degrees Fahrenheit (F) and low of -9 degrees F; 7 Jan 14 by the time of inspection high of 35 degrees F and low -1 degrees F. The licensee stated that he thought the mom had carried the puppy outside and that the puppy would have been unable to open the (access) door itself. Daily observation of the animals is important in order to ensure the health and well-being of the animals. The licensee must ensure that all animals are observed on a daily basis and that all puppies are accounted for in order to assess their health and well-being. **TO BE CORRECTED BY:** Immediately and from this point forward.

The inspection was conducted with the licensee. An exit interview was conducted in person with the licensee on January 7, 2014 during which all correction dates were discussed and acknowledged to be understood by the licensee.

Prepared By:

ERIKA LEISNER, D.V.M.

ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care

Date:

Title:

VETERINARY MEDICAL OFFICER Inspector 6037

Jan-09-2014

Received By:

(b)(6),(b)(7)(c)

Date:

Title:

Jan-09-2014



## Inspection Report

HAZEL COLEMAN  
DOG-N-ASS FARM  
30550 PERSHING LANE  
LEBANON, MO 65536

Customer ID: **6449**  
Certificate: **43-A-2640**  
Site: 001  
HAZEL COLEMAN

Type: ROUTINE INSPECTION  
Date: Apr-03-2013

### 2.40 (b) (2)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Sec. 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

\*\*\*In the outdoor facility, there was one adult Wheaten Terrier identified as #097324078 that had no weight bearing on the back left leg. The licensee stated that there was a wound on the pad and that Vaseline was being applied to the affected area. This animal had not been seen by a licensed veterinarian. Limited or no weight bearing is an indication of pain and can worsen if left unattended or given inappropriate treatment. The licensee must have this animal seen by a licensed veterinarian for proper diagnosis and appropriate treatment plan.

Corrected prior to exit conference.

\*\*\*The medications were stored in all different areas of the facility. The licensee stated that some of the medications are used for large animals on the property. Medications for regulated animals that are stored with other medications can increase the chance of medication error. The licensee must store the medications for the regulated animals in a manner that is readily accessible. As a part of the facility's program of veterinary care, the licensee must assure that all of the animals receive adequate veterinary care at all times.

To be corrected by April 17, 2013.

### 2.75 (a) (1)

#### RECORDS: DEALERS AND EXHIBITORS.

Sec. 2.75 Records: Dealers and exhibitors.

(a)(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold,

Prepared By:

BEVERLY HICKS, A.C.I.

BEVERLY HICKS, A.C.I.

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 5051

Apr-04-2013

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Apr-04-2013



## Inspection Report

PAUL HAAG  
SHEILA HAAG

Customer ID: 2830  
Certificate: 41-A-0281  
Site: 001  
PAUL AND SHEILA HAAG

VALLEY VIEW KENNEL  
57649 MN HIGHWAY 55

Type: ROUTINE INSPECTION  
Date: Feb-14-2012

EDEN VALLEY, MN 55329

### 2.40 (b) (2)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:  
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

Four dogs in the facility had a growth in between the digits of the front paws. Three of the growths on three animals had ruptured and were open and were excreting fluid. The growth on the fourth animal was lanced by the licensee. The symptoms were not noticed by the licensee before this time.

A white and grey shi-zu was noted as having a grey, hazy film covering the left eye. There was also a brown crust around the outside of the eye.

Without appropriate methods to prevent or control medical issues that may arise in the animals, minor medical conditions can become severe and further affect the animals negatively.

Methods set forth in the program of veterinary care plan including proper daily observation and annotation of any issues that may arise that require further attention must be put into place from this point on.

### 2.40 (b) (3)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

Four dogs in the main housing building were noted to have a swollen pink growth in the front paw. Three of these growths were ruptured causing them to be open and wet. The growth that was not ruptured was lanced by the licensee. The licensee claimed not to have noticed these beforehand.

Prepared By:

BRENTON COX, A C I

BRENTON COX, A C I  
USDA, APHIS, Animal Care  
Inspector 6021

Date:  
Feb-15-2012

Received By:

(b)(6), (b)(7)(c)

Date:  
Feb-16-2012

Title:



## Inspection Report

A white and grey shi-zu was noted as having a grey, hazy film covering the left eye. There was also a brown crust around the outside of the eye.

Daily observation is essential in order to diagnose and treat health problems that might arise in animals. Without proper daily observation, issues cannot be properly annotated or treated which is not good a husbandry practice.

Proper and complete daily observation must be put in place from this point on.

### 3.1 (a)

#### HOUSING FACILITIES, GENERAL.

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

The main kennel building utilizes open box type enclosures to house the animals. The majority of the walls in these enclosures are thirty inches tall and are constructed of a hard plastic type of material. During the inspection, multiple dogs were seen with their front legs hanging over the front and side walls of the enclosures. Several dogs were observed standing on their feeders and leaning over the edges of their enclosures. A Beagle, microchip # 151 340 373A, was observed attempting to jump over the side wall into an adjacent enclosure. This dog fell onto his back twice before finally succeeding in jumping from enclosure #6 into enclosure #5. The licensee stated that when dogs are found to be able to get over the sides of the enclosures, they would move the dogs into different enclosures. The licensee's son moved the Beagle into an enclosure with taller sides.

The repeated attempts of the dog to jump over the wall could potentially cause injury to the animal. The design of and location of the feeders and the short walls exposes the animals to potential harm from jumping out of the enclosures. The short walls do not contain all the animals securely.

The licensee must provide enclosures that contain the animals securely and help prevent them from injury no later than 23 Feb 2012

### 3.1 (c) (1) (i)

#### HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture--type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

(i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface;..

The licensee utilizes a "cattle panel" type heavy gauge wire panel as support beneath the flooring of the primary enclosures in the main building. These wire panels have excessive rust in many places. Although

Prepared By:

BRENTON COX, A C I

BRENTON COX, A C I

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 6021

Feb-15-2012

Received By:

(b)(6),(b)(7)(c)

Date:

Title:

Feb-16-2012



### Inspection Report

DONALD SCHRAGE

Customer ID: 4411

Certificate: 43-A-1957

Site: 001

DONALD SCHRAGE

RABBIT RIDGE KENNEL

RURAL ROUTE 3, BOX 234

Type: ROUTINE INSPECTION

Date: Aug-02-2011

EDINA, MO 63537

2.40 (b) (2) REPEAT DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

There was a male Shih Tzu (# 072 797 549) who was limping and non-weight-bearing on his front right paw. That paw had an area of complete hair loss approximately 1.5 inches in diameter which was extremely swollen. It had mixed regions of pale white, irritated pinkish-red, and blackish-blue colors. When the area was palpated, the dog seemed very sensitive to the touch and quickly withdrew his paw which may indicate the paw is painful. This dog needs to be examined by a licensed veterinarian within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document this information and make it available to the inspector upon request.

There was a female, blue roan Cocker Spaniel (with no ID) that had a very thin, poor haircoat with scabs that could be seen on her skin under the thinned parts of her coat. Her body was also very thin. She had a tucked abdomen, an exaggerated "waist" when viewed from above. Her spine, hips, ribs, and long bones were prominent and could be easily visualized and felt. The owner stated she was crazy and paced continuously. She acted normal when the inspectors approached, but when she was viewed from a distance when the inspectors were out of site, she paced circles in her enclosure non-stop for at least 20 minutes straight in the 101 F heat. A very thin dog with a poor hair coat and abnormal behavior could have several different medical conditions, including a variety of veterinary medical problems which could be painful. This dog must be examined within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document this information and make it available to the inspector upon request.

- The following animals were showing signs of veterinary medical problems:
- a. There was a female Shih Tzu (#091) who was unable to open its left eye. The eye was matted shut with a yellow crusty discharge.
  - b. There was a tan, female Shih Tzu (#073 035 528) was unable to open her left eye. The eye was matted shut with a yellow-brown discharge. This dog also had reddened skin and small (approx 1 cm) scabs

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Date:  
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**Received By:**

(b) (6), (b) (7) (c)

Date:  
Aug-04-2011



### Inspection Report

throughout most of her neck, back and the sides of her chest.

c., There was a black, female Cocker Spaniel (# 139) with green-yellow discharge completely covering the top and bottom eyelids of both eyes.

d., There was a male Cocker Spaniel (#138) with yellow discharge in and around his right eye which appeared to be bulging out slightly when compared to the other eye. The dog was also squinting that eye, which may indicate the eye is painful.

e., There was a female Shih Tzu (# 059) who was squinting his left eye which was dull in appearance. The hair around the eye was wet with excessive, clear discharge around it. The lower eyelid moderately swollen.

f., There was a black and white Shih Tzu (#035) whose left eyeball could not be visualized. The surface of the eye was covered with white colored discharge.

The licensee stated he was treating some of the above listed dogs with Terramycin ointment per his veterinarian's instructions. The licensee had written instructions from the veterinarian for some of these dogs, however the instructions were from April 2011. The only bottle of Terramycin at the facility expired in August 2009. Expired drugs may not work as anticipated, could become contaminated, and could harm the animals. Eye discharge can occur due to infection, allergies, injury, irritation or other medical conditions that could be painful. All of these dogs must be examined by a licensed veterinarian within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document the outcome of these examination and make them available to the inspectors upon request.

There was a black Schnauzer puppy (with no ID, DOB 6-2-2011) who had recently had his ears cropped. The licensee stated that he cropped the ears himself in the Whelping Building when the dog was 3 weeks old. He said he gives the puppies a shot to put them down. He stated it was the same stuff the vet uses. He stated he used Rompun at a dose of 0.1cc/pound but no pain-relieving drugs. He stated he waited 10 minutes after injection before performing the surgery. He stated if bleeding occurred, he used blood stop sticks. The licensee showed the inspectors the table and equipment he used to conduct the surgery. The table was a wooden counter in a room containing a variety of items such as dog food, trash bins, a refrigerator, and medications. The walls, floors and ceilings in that room were dirty and grimy. The licensee stated he dipped the equipment in rubbing alcohol prior to use. The bottle of alcohol he showed the inspectors contained a liquid that was discolored and yellow in appearance, did not smell like alcohol, contained a dead floating insect, and had no cap. The licensee showed the inspectors the clamps and the razor blades used to cut the ears. The licensee is not a veterinarian and is not trained or qualified to safely conduct painful, surgical procedures involving the amputation of tissue. The licensee must ensure that all surgical procedures for the dogs are conducted in a manner that meets professional veterinary standards by appropriately trained and qualified personnel. Surgeries performed by individuals without appropriate training could result in pain, distress, infection, or injury of animals. The licensee must ensure that the facility's program of veterinary care includes the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries and meets veterinary professional standards at all times.

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**Date:**

**Title:**

Aug-04-2011



## Inspection Report

There was an outdoor enclosure housing two tan, adult Cocker Spaniels (# 160 and #094) and a four month old female German Shepherd ( with no ID). There were two spots of dark red-brown runny liquid with a foul, putrid odor on the ground in the enclosure. The licensee stated he had not noticed it and he did not know which dog it came from. None of the dogs were showing outward signs of illness, but bloody diarrhea can be due to parasites, bacteria, viruses, or other infectious organisms which can be cause medical problems. The licensee must consult his veterinarian within 48 hours to determine which dog or dogs have abnormal feces and to ensure the animals receive an accurate diagnosis and appropriate treatment plan. The licensee must document the outcome of these consultations and make the information available to the inspectors upon request.

There was white female adult dog (#148) whose haircoat was nearly black and gray in color from dirt and grime on her coat. There were areas throughout her entire coat that were matted to the point that the hair was pulling away from her body exposing bare skin. The matted hair was soiled and wet, and had debris intertwined with the hair. Excessive matting causes pain and discomfort to the animal. In addition, matting can foster skin infections and can hinder the animal's ability to move or defecate normally. The licensee must remove the matted fur on these dogs. As part of the facility's program of veterinary care, the licensee must establish and follow a program of regular coat maintenance including the removal of matted hair, dirt, and grime for all the dogs to prevent the development of hair coat problems.

The licensee was storing vaccines (Parvovirus and Bordetella) along with other medications in a refrigerator which had a temperature of 48 degrees F according to the Kestrel. The Kestrel instrument was left in the refrigerator for at least 30 minutes in order to obtain this temperature. The containers the vaccines were in stated they should be maintained at a temperature of 35-45 F. Vaccines and other medications which are not stored at appropriate temperatures may not work as anticipated, could become contaminated, and could harm the animals. The licensee must ensure that all vaccines and medications are stored at appropriate temperatures in accordance with their labels.

The licensee must ensure that all animals receive adequate veterinary care at all times.

### 2.50 (a) (2)

#### TIME AND METHOD OF IDENTIFICATION.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: (2) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires the animal may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list all old and new official tag numbers or tattoos in his or her records of purchase which shall be maintained in accordance with Sec. Sec. 2.75 and 2.77. Any new official tag or tattoo number shall be used on all records of any subsequent sales by the dealer or exhibitor, of any dog or cat.

Three adult dogs ( blue roan Cocker Spaniel, German Shepherd, blonde Cocker Spaniel) did not have any means of identification. At least 20 cage cards for 51 puppies did not have the dam's information recorded on them. Without unique individual identification the animals cannot be identified. Licensee must

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Date:

Title:

Aug-04-2011



## Inspection Report

VALENTE RIOS

Customer ID: 37266

Certificate: 43-A-5652

Site: 001

VALENTE RIOS

102 G B FISHER STREET

Type: ROUTINE INSPECTION

GALT, MO 64641

Date: Jan-24-2012

### 2.40 (b) (2) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

\*\*\*\*  
A female Poodle, microchip #048296623, was observed to be very lethargic and not moving around her enclosure. When the inspectors questioned the licensee about this dog he informed them that they were treating this dog for a wound under her right front leg. Upon closer observation this dog had a large open gaping wound, approximately 4 inches in diameter. The muscle tissue and body wall underneath could be seen. The licensee stated that he had taken this dog to the veterinarian but could not recall the exact date or produce any documentation. When asked about how he was treating this dog he said that he was cleaning the wound with Hydrogen Peroxide, as instructed by the veterinarian, and treating it with oral antibiotics. The attending veterinarian was contacted by the inspector, via telephone at approximately 7:20 am on 25 January 2012. The attending veterinarian recalled seeing this animal and thought it had been 1 to 2 weeks ago. This type of large open wound where the body wall and muscle tissue are visible is very significant and may require additional treatment. The licensee was verbally instructed, via telephone on 25 January 2012 at 8:25 am, to have this dog seen by a licensed veterinarian by close of business today (25 January 2012) for an appropriate diagnosis and treatment plan. The licensee must provide documentation, upon request, to the inspectors.

To be corrected by close of business on 25 January 2012

A grey male Poodle, microchip #093350290, was observed repeatedly licking at his front paws. The inspectors had the licensee remove the dog from his enclosure and noted that his dog had significant matting on his legs and fecal material entangled with the hair around the dogs anal area. This matting on his legs was pulling at the skin and reddened areas were observed. The fecal material is entangled with the hair around the anal area is causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. This dog also had a dark brownish black discharge from his left eye

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Jan-25-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Jan-26-2012





## Inspection Report

causing the hair to mat on the left side of his face under his eye. Upon closer observation this dog had significant dental issues. There is a very foul odor that the inspectors noted from a few feet away. There is a heavy thick accumulation of a tan colored material encasing the top and bottom cheek teeth both left and right side. There is a white to gray colored material along the gum line. The gum is reddened, swollen and has pulled away and up from the tooth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

An apricot female Poodle, microchip # 083819029, was observed with a dark brownish black discharge from her left eye, causing the hair to mat on the left side of her face and under her left eye. Upon closer observation this dog had significant dental issues. There is a heavy thick accumulation of a tan colored material on the top and bottom cheek teeth both left and right side. There is a white to gray colored material along the gum line. The gum is reddened, swollen and has pulled away and up from the tooth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally. This dog also had significant matting on her legs and fecal material entangled with the hair around the dogs anal area. This matting on his legs was pulling at the skin. The fecal material is entangled with the hair around the anal area and is causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful.

A female Yorkshire Terrier, microchip # 072038531, was observed by the inspector to be withdrawn and huddled in the corner of her enclosure. The inspector had the licensee remove this dog from the enclosure. This dog was warm to the touch, had a hard lump on the lower left part of her abdomen. This dog also had generalized hair loss on her chest, abdomen and inside areas of her back legs. She also had an area of hair loss with reddened skin on her left back foot. This could be a sign of a medical condition. The licensee had no documentation on this dogs condition and has not consulted with a veterinarian.

A female Maltese, microchip #102885873, had a significant amount of fecal material adhered to her anal region. The fecal material was entangled with the hair causing it to block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee removed the matted fecal material and hair from this dog.

DIRECT - A female Yorkshire Terrier, microchip #010637285, was observed drooling. Upon closer observation this dog has a thick dark to light brown material adhered to the surface of her cheek teeth. This material has completely encased some of these teeth. There is a thin line of light grey material along the gum line of some of these cheek teeth. The gum line has pulled away and up from the surface of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A female Maltese, microchip #038003877, was observed with fecal material adhered to the anal region of

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<b>Title:</b>			<b>Date:</b> Jan-26-2012



## Inspection Report

this dog and entangled with the hair on her back legs. The fecal material in the anal area was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. The anal area of this dog was reddened and inflamed. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area and on her back legs.

A female Maltese, microchip # 089125862, was observed with a significant amount of fecal material adhered to the anal region of this dog. The fecal material was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area. This dog also has significant hair loss on her back legs, lower section of her back and her tail with her tail being mostly hairless. There were areas on the tail with dried and fresh blood. This could be a sign of a medical condition. There was also had a dark brown discharge from both of her eyes causing a large mat to form under each eye. Upon closer observation this dog had a heavy accumulation of a brown material adhered to the surface of her cheek teeth. This brown material completely encased some of these teeth. The gum line of this dog is reddened and inflamed and has pulled away and up from the teeth. There is a thin line of grey and whitish material along the gum line of some of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A male Maltese, microchip #'s 016089539 and 016080076, was observed with thick dark brown mats under both of his eyes. Upon closer observation this dog had a heavy accumulation of a brown material adhered to the surface of her cheek teeth. This brown material completely encased some of these teeth. The gum line of this dog is reddened and inflamed and has pulled away and up from the teeth. There is a thin line of grey and whitish material along the gum line of some of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A female Apricot Poodle, microchip #089125353, was observed to be thin. Her vertebrae, ribs and hip bones were prominent and easily palpable. The licensee was unaware of this dogs condition and had not consulted with a veterinarian Dogs could be thin due to parasite, malnutrition, incompatibility with the other dogs in the enclosure, or other medical conditions. This dog must be evaluated by the veterinarian for an appropriate diagnosis and treatment plan.

A male Yorkshire Terrier, microchip #055297881, was observed to be limping on his back right leg. When the inspector palpated his leg the dog flinched on several occasions, which could be a sign of pain. The licensee was unaware of this condition nor had consulted a veterinarian. This could be a sign of an injury or other medical condition. The licensee must have this dog evaluated by a veterinarian for an appropriate diagnosis and treatment plan.

A female Yorkshire Terrier, microchip 038001567, significant amount of fecal material adhered to the anal

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<b>Received By:</b>	(b)(6), (b)(7)(c)	
<b>Title:</b>		
		<b>Date:</b> Jan-25-2012
		<b>Date:</b> Jan-26-2012



## Inspection Report

region of this dog. The fecal material was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area.

A male Maltese, microchip #055289621, was heavily matted with matting on his head, chest, back, abdomen, and legs. The matting on the back appeared to be one continuous mat. The matting on the dogs legs and abdomen were tightly bound and the skin is easily visible. The licensee must remove these mats from this dog.

A female Yorkshire Terrier, microchip #091049523, has significant hair loss on both ears. The only hair left is on the very tips and edges of the ears. This could be a sign of a medical condition,

The above stated dogs with hair coat maintenance issues must be groomed to remove the matted hair and/or fecal material. Matting of the hair coat can be painful, can lead to the development of skin infections, and reduces the ability of the coat to insulate the animal. The licensee must develop an effective program of hair coat maintenance.

The above stated dogs with dental issues and/or other medical conditions must be seen by a veterinarian for an appropriate diagnosis and treatment plan. Documentation must be maintained for all health related problems and it must include the following information:

- Identity of the animal.
- Descriptions of the illness or injury
- Dates, details, and results of examinations, tests, and other such procedures.
- Dates and other details of all treatments, including the name, dose, route, frequency, and duration of treatment with drugs or other medications.
- Follow-up exams to determine resolution of problem

An unlabeled white bottle containing a white liquid was found inside of the sheltered building, #7. There was a card next to this bottle that had the word "Penicur" written on it. When asked what was in the bottle the licensee stated it was panacur. The licensee said he had transferred the medication into a smaller container for ease of administering it to the dogs. The licensee produced a larger transferred bottle of Panacur obtained from his attending veterinarian. This bottle had the name of the medication along with the dosage but was missing the expiration date. Transferred bottles of medicine must be labeled properly with the contents, dosage and expiration date at all times for the health and well being of the animals.

Due to the high number of dogs with dental issues the licensee must discuss, and document as part of his program of veterinary care, a system of monitoring, diagnosing and treating dental issues with his attending veterinarian.

To be corrected by: 30 January 2012

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<b>Received By:</b>	(b)(6),(b)(7)(c)	
		<b>Date:</b>
		Jan-26-2012

Exhibit F

Comment on Pennsylvania Wire Floor Regulations  
by Lila Miller, Vice President of Shelter Medicine, ASPCA

Lila Miller, DVM  
Veterinary Advisor  
Vice President Veterinary Outreach

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JUN 01 2010

DOG LAW

The Pennsylvania Department of Agriculture  
Canine Health Board,  
2301 North Cameron Street, Room 212  
Harrisburg, PA 17110-9408

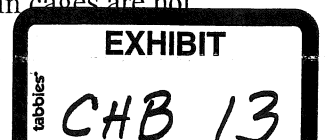
May 25, 2010

Comments regarding the use of wire floors in dog kennels

I am a 1977 graduate of Cornell University's Veterinary College. In addition to my position as Vice President at the ASPCA, I am adjunct assistant professor at the veterinary colleges at Cornell University and the University of Pennsylvania. I was awarded the 2008 AVMA and 2005 AAHA animal welfare awards. My entire career in veterinary medicine has been focused on the care of animals in shelters. I was co editor of the first textbook on shelter medicine and the management of infectious disease in shelters and taught the first course on shelter medicine at a veterinary college at Cornell in 1999. I have had the opportunity to visit hundreds of shelters holding dogs and cats both short and long term over the years and feel I have sufficient experience to comment as an expert on the of flooring in dog kennels.

I am opposed to the use of wire floors in commercial dog kennels, as is the ASPCA and the Association of Shelter Veterinarians (ASV). The latter group is in the final stages of drafting a document outlining guidelines for the humane care of animals in shelters. The ASV task force contains considerable veterinary expertise in the science of shelter medicine. The guidelines being developed focus on balancing behavioral and environmental enrichment and comfort with preventative health care measures and maintenance of sanitary conditions to reduce conditions that are conducive to disease transmission and discomfort. The guiding principle of the document is the Five Freedoms that were developed for farm animals in confinement in the UK in 1965. These freedoms state that confined farm animals are entitled to 1) freedom from hunger and thirst, 2) freedom from discomfort, 3) freedom from pain, injury or disease, 4) freedom to express normal behavior and 5) freedom from fear and distress (Brambell1965). It is the task force's belief that companion animals confined for either short or long term in shelters are entitled to the same consideration for their well being as farm animals.

After almost 2 years of meticulous research of numerous national and international guidelines outlining care of confined animals and careful consideration of all the ramifications for both the animals and the producers, the task force concluded, "Wire-mesh bottom floors in cages are not




acceptable for cats and dogs “. Although this document is being developed for shelters, it has even more relevance for commercial breeders because animals in most shelters are relatively short term or temporary residents awaiting a new home, in comparison to animals in commercial breeding facilities where the vast majority of their lives may be spent in confinement, largely in their primary enclosures.

As society and veterinary science both gain a better understanding and concern about animal welfare, convenience for the operator can no longer be the primary determining factor to consider when designing animal housing, especially when better alternatives exist. The argument in favor of wire floors has almost always been confined to ease of sanitation, which is subject to challenge. Animal welfare, safety and comfort cannot be assured with wire floors, even those with the smallest openings. It has been established that dogs prefer solid floors. The overriding welfare benefit of solid floors is that dogs cannot get their nails or toes caught in them. Without close daily examination of animals, painful injuries caused by wire bottoms floors might go undetected for days. Even wire floors with the smallest openings present a problem because they cannot guarantee against animal injury. Furthermore, the floors with the smallest openings are also the ones that are most difficult to sanitize because fecal material and dirt can be caught in the crevices, leading to increased risk of disease transmission because most disinfectants commonly in use in animal kennels have poor activity in the presence of organic material, and poor sanitation contributes to disease transmission and odors and decreased animal comfort and welfare. In addition, wire mesh floors cannot be used universally for all dogs. They must be reinforced to hold the weight of large dogs as sagging is unacceptable by any humane standard, and they should not be used for small or toy breeds ever. The thick plastic coating on some wire floors becomes worn with age and must be replaced, requiring routine inspection and replacement to assure safety. Another hazard I encountered with removable wire mesh platforms is that dogs found ways to chew on them, damaging their teeth and ingesting the broken off pieces of plastic coating, causing gastric upset.

I recently provided training for the USDA animal care inspectors who visit these facilities. Although I did not discuss flooring, it is of note that the only comments I received privately upon conclusion of the training were expressions of a strong dislike of wire floors and a wish that I had mentioned that in my talk.

This is an opportunity for the Pennsylvania dog board to advocate on behalf of animal welfare and do what is best for dogs instead of best for the operator. In the past, industry interests about cost savings and convenience have dominated the discussion about animal care and housing. They have succeeded in downplaying concerns about animal well- being and welfare. Most of the many shelters I have visited over the past 30 years have solid floors for their dogs. If shelters and animal control facilities with their often small budgets can voluntarily provide solid floors for temporary or short term housing of dogs and manage to keep the primary enclosures clean and the animals comfortable, it is not unreasonable to require breeders holding animals long term to do the same.

Sincerely,



Lila Miller, DVM

Exhibit G

State Laws and Regulations Regarding  
the Topics Addressed in the Petition

**Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition**

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>California</b> - Cal. Health & Saf. Code §§ 122045 - 122315	Housing primarily on wire flooring is not allowed. A solid resting surface must be made available.	<b>Size:</b> Requires space sufficient to stand, sit, turn about freely, lie in natural position, and have head not touch top of enclosure.	<b>Socialization:</b> Requires adequate socialization with other dogs or humans and exercise with dogs and humans.	No relevant regulations.	No relevant regulations.	Potable water must be available.
<b>Colorado</b> - Colo. Rev. Stat. § 35-80-101 to 117 & 8 Colo. Code Regs. 1201-11:1.00 to 25.00	Wire flooring is allowed. It must be coated. A solid resting surface must be made available.	<b>Size:</b> Specific formula based on size of dog, which is multiplied based on the duration of stay (x1.5 for >5-30 days; x2 for >30 days to 6 months; x3 for >6 months). Ceiling must be 6+ inches higher than head of tallest dog. <b>Temperature:</b> Must be maintained between 50-90 degrees.	<b>Socialization:</b> Requires that animals be housed in primary enclosures that are large enough to allow socialization with other dogs in enclosure.	No relevant regulations.	<b>Grooming:</b> Requires that matted hair and overgrown nails be prevented so that dogs can perform normal bodily functions.	Water must be offered as often as necessary to ensure health and well-being, but not less than twice daily.
<b>Connecticut</b> - Conn. Gen. Stat. § 22-342-344 & Conn. Agencies Regs. § 22-344-1 - 15	Wire flooring is allowed.	<b>Size:</b> Must be able to turn about freely, stand erect, and lie down naturally. Particular minimum square footage required by weight of dog. <b>Temperature:</b> Must be at a reasonable and suitable level to promote health and comfort of dog.	<b>Exercise:</b> Inside or outside runs shall be provided. <b>Socialization:</b> Requires segregation of adult dogs for health, welfare, or breeding reasons. Dogs in enclosures must be housed individually.	No relevant regulations.	No relevant regulations.	Clean, potable water must be provided.
<b>Delaware</b> - 9 Del.Code § 904	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<b>Size:</b> Size of enclosure is calculated using dog's length + 6 inches. Ceiling must be 6+ inches above dog's head. <b>Temperature:</b> Indoor: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	No relevant regulations.	No relevant regulations.	No relevant regulations.	Potable water must be available as often as necessary to ensure health and well-being.
<b>Georgia</b> - Ga. Comp. R. & Regs. § 40-13-13-.04	Wire flooring is allowed. A solid resting surface must be made available.	<b>Size:</b> There must be sufficient space for the dog to stand, sit, turn about freely, and lie in a natural position. <b>Stacking:</b> Stacking is allowed. There must be an impervious barrier between levels.	No relevant regulations.	No relevant regulations.	No relevant regulations.	No relevant regulations.
<b>Indiana</b> - Ind. Code §§ 15-21-1-1 to 15-21-7-1 & 345 Ind. Admin. Code 13-1-3	Wire flooring is not allowed unless there is a non-wire place for the dog to rest.	No relevant regulations.	<b>Exercise:</b> Must provide opportunity to exercise outside of enclosure at least once per day.	No relevant regulations.	No relevant regulations.	No relevant regulations.



Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>Iowa</b> - Iowa Code § 162.10A & Iowa Admin. Code r. 21-67.1 to 13	Wire flooring is allowed.	<b>Size:</b> Must be housed so as to comfortably allow dog to turn about, stand erect, sit, or lie. Maximum of 12 dogs per primary enclosure.	<b>Exercise:</b> Must be exercised at least twice a day, unless the primary enclosure is large enough to provide this exercise. <b>Socialization:</b> Permits group housing.	No relevant regulations.	<b>Grooming:</b> Requires grooming so as to not cause adverse health or suffering. <b>Preventive Care:</b> Programs of disease prevention and control shall be established and maintained. Veterinarian visit each year required.	Must provide adequate water so as to not cause adverse health or suffering, and at suitable intervals not to exceed 24 hours.
<b>Kansas</b> - Kan. Stat. § 47-1702 & Kan. Admin. Regs. §§ 9-25-1 to 15	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<b>Size:</b> Size of enclosure is calculated using dog's length + 6 inches. Ceiling must be 6+ inches above dog's head. <b>Temperature:</b> Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	<b>Exercise:</b> Must provided regular exercise opportunities daily. <b>Socialization:</b> Requires socialization with humans in daily exercise.	No relevant regulations.	<b>Preventive Care:</b> Breeders must have an attending veterinarian and enact a documented program of disease control and prevention.	Potable water must be available at least twice a day for at least one hour each time. If the temperature is over 85 degrees, water must be continually available.
<b>Maine</b> - Me. Stat. tit.7, §3931A & 01-001 Me. Code. R. Ch. 701 §§ I-II	Wire flooring is not allowed. Solid flooring must be provided.	<b>Stacking:</b> Stacking is allowed. Excreta must not be able to fall through. <b>Temperature:</b> Inside, minimum temperature must be kept at a level to maintain good general health and condition for dogs.	<b>Exercise:</b> Must remove dogs from enclosure at least twice every 24 hours. Exercise area must be maintained for dogs.	No relevant regulations.	<b>Preventive Care:</b> Effective programs for the control of disease must be established and maintained.	Clean water shall be available at "0" times. [Note: Likely clerical error, should say "all"]
<b>Minnesota</b> - Minn Stat. §§ 347.57 to .64	No relevant regulations.	No relevant regulations.	<b>Socialization:</b> Requires socialization with humans and other animals at least twice daily. Daily enrichment required.	No relevant regulations.	<b>Preventive Care:</b> Breeders must establish and maintain a written protocol for disease control and prevention and veterinary care of animals approved by board.	No relevant regulations.

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State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>Missouri</b> - Mo. Rev. Stat. §§ 273.345-46 & Mo. Code Regs. tit. 2,§ 30-9.010 to .030	Wire flooring is not allowed in any enclosure, starting Jan. 1, 2016.	<p><b>Size:</b> There must be sufficient space for the dog to stand, sit, turn about freely, and lie in a natural position. Minimum amount of space calculated using length of dog + 6 inches. As of Jan. 1, 2016, dogs housed singly must have their minimum amount of floor space multiplied by a factor of six (6).</p> <p><b>Stacking:</b> Stacking is allowed. There must be an impervious barrier between levels.</p> <p><b>Temperature:</b> Indoor/sheltered: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.</p>	<p><b>Exercise:</b> Requires a regular exercise plan, approved by a veterinarian. Requires provision of “constant and unfettered access to an attached outdoor run.”</p>	Adequate rest between breeding cycles is required. (no more than is recommended by a veterinarian).	<p><b>Preventive Care:</b> Requires annual veterinary checkup and prompt treatment of any serious illness or injury.</p>	Clean, non-frozen, potable water must be available continuously or at intervals suitable to the species. Such intervals may not be more than 8 hours.
<b>Nebraska</b> - Neb. Rev. Stat. §§ 54-625 - 43 & 23 Neb. Admin. Code §§ 18-001 to 015	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<p><b>Size:</b> Requires adequate room for dog to turn, sit, stand, and lie comfortably. Ceiling must be 6+ inches above dog's head.</p> <p><b>Temperature:</b> Requires protection from extreme temperatures that may be uncomfortable or hazardous.</p>	<p><b>Exercise:</b> Requires either (1) that primary enclosures give dogs “unfettered access to an exercise area that is at least three times the size of the requirements for a primary enclosure,” or (2) that dogs be provided exercise according to a plan approved by a veterinarian.</p> <p><b>Socialization:</b> Requires that dogs be provided with adequate socialization with other dogs and humans, other than feeding.</p>	All surgical births must be performed by a licensed veterinarian.	<p><b>Grooming:</b> Requires regular grooming including nail trimming and preventing matting.</p> <p><b>Preventive Care:</b> Written veterinary care plan required, establishing program of disease control and prevention, and including a wellness examination every 3 years by a licensed veterinarian.</p>	Must provide adequate amounts of clean water
<b>Nevada</b> - Nev. Stat. §§ 574.210 - 450	Wire flooring is not allowed. A solid floor is required.	<p><b>Stacking:</b> Explicitly prohibited.</p> <p><b>Size:</b> Must be able to turn about freely and stand, sit, and lie comfortably. Minimum size calculated using length of dog + 6 inches.</p> <p><b>Temperature:</b> Indoors: Must be maintained between 50 and 85 degrees, unless each dog is acclimated to a lower temperature.</p>	No relevant regulations.	Prohibits breeding females before 18 months of age or more than once a year.	<p><b>Preventive Care:</b> A dog must be vaccinated for rabies before it can be sold.</p>	Potable water must be offered at least twice daily for at least 1 hour on each occasion

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State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>New Jersey</b> - N.J. Admin. Code §§ 8:23A-1.1 to 1.8	Wire flooring is allowed.	<b>Size:</b> Sufficient space to turn about freely, stand, sit, and lie in comfortable position. Minimum enclosure size is calculated using dog's length + 6 inches. <b>Temperature:</b> Must be regulated between 55 and 85 degrees.	<b>Exercise:</b> Dogs must be provided with exercise at least twice a day or be housed in enclosures at least twice the minimum required size.	No relevant regulations.	<b>Preventive Care:</b> Breeders must establish and maintain a program for disease control and adequate health care under the supervision of a doctor of veterinary medicine.	Potable water must be continuously available.
<b>New York</b> - N.Y. Agric. & Mkts. Law § 401	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<b>Size:</b> Requires sufficient space for dog to stand up, turn around, and lie down with limbs outstretched.	<b>Exercise:</b> Requires daily exercise. Encourages positive physical contact with humans in exercise plan.	No relevant regulations.	No relevant regulations.	Clean, potable water must be available at regular intervals.
<b>North Carolina</b> - 2 N.C. Admin. Code 52J.0201 to .0210	Wire flooring is allowed. A solid resting surface must be made available.	<b>Size:</b> Provide space to allow each dog or cat to walk, turn about freely, and to easily stand, sit, or lie in a natural position. Minimum size of enclosure is calculated using dog's length + 6 inches. <b>Temperature:</b> Indoor: Must be regulated between 50 - 85 degrees.	<b>Socialization:</b> Requires daily access to both human and same species social interaction.	No relevant regulations.	<b>Preventive Care:</b> A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian.	Potable water must be continuously available.
<b>Ohio</b> - Ohio Admin. Code 901:1-6-01 to 05	Wire flooring is allowed. It must be coated wire. A solid resting surface must be made available, starting Dec. 31, 2016.	<b>Size:</b> Custom formula for enclosure size based on dog length + 6 inches. Ceiling must be 6 inches higher than dog's head. <b>Stacking:</b> Stacking is allowed. Excreta and urine must not penetrate from above. <b>Temperature:</b> Must regulate temperature when it otherwise poses a threat to health and welfare of dog.	<b>Exercise:</b> Requires daily effective enrichment. <b>Socialization:</b> Requires daily positive human contact and socialization beyond feeding and cleaning time. Requires daily visual contact with other dogs.	All surgical procedures must be performed by a licensed vet.	<b>Preventive Care:</b> Requires yearly veterinary checkup and prompt treatment of any serious illness or injury.	Clean, potable water must be offered at least twice daily for at least 1 hour on each occasion.

**Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition**

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>Oklahoma</b> - Okla. Admin. Code §§ 532:15-3-1 to 12	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire. Requires solid resting area equal to 25% of the size of the minimum enclosure.	<b>Size:</b> Custom formula for enclosure size based on dog length + 6 inches. <b>Stacking:</b> Stacking is allowed. Excreta and debris must not penetrate from above. <b>Temperature:</b> Indoor/sheltered: Must regulate temperature between 50 - 85 degrees.	<b>Exercise:</b> Requires that dogs be provided with regular daily exercise or be housed in enclosures at least twice the minimum required size. Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable. <b>Socialization:</b> Requires socialization with humans daily if there is no regular contact with other dogs.	Only healthy females may be bred. Females must be at least 10 months old before breeding.	<b>Grooming:</b> Brushing, nail and hair trimming all required. Required to bathe dogs frequently enough to maintain good skin health and odor control.	Potable water must be available at least 3 times per day for at least 1 hour on each occasion.
<b>Oregon</b> - Ore. Rev. Stat. §§ 167.310, 167.376	Wire flooring is not allowed. Solid flooring without slats or gaps must be provided.	<b>Size:</b> Must be able to turn about freely and stand, sit, and lie comfortably. Ceiling must be 6+ inches higher than head of dog <b>Stacking:</b> Stacking is not allowed. <b>Temperature:</b> Must be maintained at a temperature suitable for the animal.	<b>Exercise:</b> Requires exercise for one hour daily.	No relevant regulations.	No relevant regulations.	Potable, non-frozen water must be made available with open or adequate access in sufficient quantity to satisfy the animal's needs.
<b>Pennsylvania</b> - 3 Pa. Cons. Stat. § 459-207	Wire flooring is not allowed. If slatted flooring is used, it must be flat, with slats of at least 3.5 inches, and no more than 0.5 inches between slats.	<b>Size:</b> Provide space to allow each dog to turn about freely and to stand, sit and lie in a normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure. Minimum enclosure size calculated using length of dog + 6 inches, and on the number of dogs in the enclosure. Ceiling must be 6+ inches higher than head of tallest dog. <b>Stacking:</b> Stacking is not allowed for dogs over 12 weeks old. There is a maximum height of two levels when stacking is otherwise allowed. Excreta and urine must not pass through. <b>Temperature:</b> Must regulate temperature between 50 - 85 degrees.	<b>Exercise:</b> Requires that primary enclosure allow for unfettered access to a ground-level outside exercise area with solid floor that is at least twice the size of the primary enclosure. Forced exercise methods or devices such as swimming, treadmills or carousel-type devices do not count.	No relevant regulations.	<b>Preventive Care:</b> During every required examination, the veterinarian must use appropriate methods to prevent, control, diagnose, and treat diseases.	Potable water must be continuously available.

Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>Tennessee</b> - Tenn. Comp. R. & Regs. 1200-33-01-.08 and .09 (Explicitly requiring breeders to follow 9 CFR 3.1 standards)	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<b>Size:</b> Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner. Minimum enclosure size calculated using length of dog + 6 inches. Ceiling must be 6+ inches taller than tallest dog. <b>Temperature:</b> Indoor/sheltered: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	<b>Exercise:</b> Regular exercise is required, or housing in enclosures double the minimum size. <b>Socialization:</b> Positive physical contact with humans is encouraged in exercise plan.	Any act that constitutes the practice of veterinary medicine must be performed by a licensed veterinarian.	No relevant regulations.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.
<b>Texas</b> - 16 Tex. Admin. Code §§ 91.100 to 112	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	<b>Size:</b> Must be able to turn about freely and stand, sit, and lie comfortably. Minimum enclosure size calculated using length of dog + 6 inches. Ceiling must be 6+ inches higher than head of tallest dog. <b>Stacking:</b> Stacking is allowed. There is a maximum height of three levels. There must be an impervious barrier between the levels. <b>Temperature:</b> Indoors/sheltered: Temperatures outside of 45 - 85 degrees are not allowed for more than 2 hours.	<b>Exercise:</b> Requires that dogs be provided with regular daily exercise for at least one hour or be housed in enclosures at least 3 times the minimum required size if they were housed separately. Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements. <b>Socialization:</b> Requires positive physical contact with humans.	Requires rest between breeding cycles as recommended by veterinarian. Surgical births can only be performed by a licensed veterinarian.	<b>Grooming:</b> Requires grooming as required to maintain health and cleanliness. <b>Preventive Care:</b> Requires annual vet examination and regular healthcare plan.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.
<b>Vermont</b> - Vt. Admin. Code 2-4-300:3.1 to 3.10	No relevant regulations.	<b>Size:</b> Must be able to turn about freely and stand, sit, and lie comfortably. Minimum size of enclosure calculated using length of dog + 6 inches. <b>Temperature:</b> Indoor: must regulate temperature between 50 - 85 degrees.	No relevant regulations.	No relevant regulations.	No relevant regulations.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.

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State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
<b>Virginia</b> - Va. Code Ann. § 3.2-6500 to 6507	Wire flooring is allowed. A solid resting surface must be made available.	<b>Size:</b> Must be able to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position.	<b>Exercise:</b> Requires adequate exercise to maintain normal muscle tone and mass.	Can only breed female dogs between ages 18 months and 8 years.  Requires breeders to get an annual certification that the dog is healthy enough for breeding.	No relevant regulations.	Clean, potable water must be available in adequate amounts.
<b>Washington</b> - Wash. Rev. Code § 16.52.310	Wire flooring is allowed.	<b>Size:</b> Must be able to turn about freely and stand, sit, and lie comfortably. Ceiling must be 6+ inches taller than head of tallest dog.  <b>Stacking:</b> Stacking is not allowed.	<b>Exercise:</b> Requires at least 1 hour of exercise daily.	May only use dogs between 1-8 years for breeding. Dogs may not be bred if a veterinarian determines animal is unfit.	No relevant regulations.	All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.
<b>West Virginia</b> - W. Va. Code § 19-20-26	Wire flooring is allowed.	<b>Stacking:</b> Stacking is not allowed.  <b>Temperature:</b> Prohibits extreme temperatures.	No relevant regulations.	Requires breeders to get an annual certification that the dog is healthy enough for breeding.	<b>Preventive Care:</b> Must maintain current, valid rabies certificates for every dog.	All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times.
<b>Wisconsin</b> - Wis. Stat. § 173.41; Wis. Adm. Code ATCP §§ 16.20 to 24;	Wire flooring is allowed. It must be coated wire.	<b>Size:</b> Minimum enclosure size based on length of dog.  <b>Stacking:</b> Stacking is allowed. Excreta and urine must not fall through.  <b>Temperature:</b> Temperature should be kept within appropriate limits based on breed capacity and comfort of the dog.	<b>Exercise:</b> Requires minimum 1/2 hour daily exercise. Prohibits keeping a dog in its enclosure for "excessive" periods of time. Requires inanimate play object in primary enclosure.  <b>Socialization:</b> Requires minimum 1/2 hour daily positive human contact and contact with other dogs.	No relevant regulations.	<b>Grooming:</b> Grooming of nails and hair required.  <b>Preventive Care:</b> Requires veterinary examinations as necessary to ensure adequate health care. Requires adequate treatment and prevention of illness and injury.	Clean, potable, non-frozen water must be continuously available.

Exhibit H

Breed Clubs' Rules Regarding  
Breeding Ages and Frequency

### Breed Clubs' Rules Regarding Breeding Ages and Frequency (as of December 2014)

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed <sup>1</sup>
Afghan Hound Club of America	<a href="http://clubs.akc.org/ahca/">http://clubs.akc.org/ahca/</a>	24 months of age		No bitch should be bred more than twice in any three consecutive seasons.	Yes
Alaskan Klee Kai Association of America	<a href="http://www.akkaoa.org/">http://www.akkaoa.org/</a>	Only after the dog has properly matured		Only as often as is consistent with good health under the dictates of sound veterinary standards.	No
Staffordshire Terrier Club of America	<a href="http://www.amstff.org/">http://www.amstff.org/</a>	Bitches: must be mature, and never before her third heat.  Males: 12 months		If a bitch is to be bred twice consecutively, she must be allowed a full year of rest before being bred again.	Yes
American Water Spaniel Club	<a href="http://www.americanwaterspanielclub.org">http://www.americanwaterspanielclub.org</a>	Two years of age or older and CERF Certified at one to two years of age and every 24 months thereafter, and free of other serious hereditary problems.		Veterinarian check every 24 months prior to breeding is suggested.	Yes
Anatolian Shepherd Dog Club of America	<a href="http://www.asdca.org/">http://www.asdca.org/</a>	Only after the dogs are physically mature and at least two years of age with no disqualifying faults per		Bitches should not be bred two heats in a row without veterinary approval.	Yes

<sup>1</sup> According to the American Kennel Club's webpage as of Sept. 1, 2015.



<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
		the AKC Standard.			
Australian Cattle Dog Club of America	<a href="http://www.acdc.a.org/">http://www.acdc.a.org/</a>	One year old and not before her second heat		That no bitch shall be bred before her second season, nor shall be bred repeatedly in such a manner as to endanger her health or the puppies and their physical and mental well-being.	Yes
United States Australian Shepherd Association	<a href="http://www.australian-shepherds.org/">http://www.australian-shepherds.org/</a>	Only bitches after they attain their second season or are eighteen months of age.		A normal bitch (i.e. having a six month cycle) should not be bred more than 2 out of 3 consecutive seasons unless so directed by a licensed veterinarian.	Yes
Australian Terrier Club of America, Inc.	<a href="http://www.australian-terrier.org/">http://www.australian-terrier.org/</a>	No bitch sooner than her second season. Recommends that the stud be at least one year of age.		Breed a bitch no more than two out of three consecutive seasons, or more than twice in eighteen months.	Yes
Barbet Fanciers Club of America	<a href="http://barbetfanciers.com/">http://barbetfanciers.com/</a>	Two years old		Have at least one heat between litters	Yes
Basenji Club of America	<a href="http://www.basenji.org/">http://www.basenji.org/</a>	No bitches in their first season. Preferably not before the age of two years		No more than once per year	Yes
National Beagle Club	<a href="http://clubs.akc.org/NBC/index.htm">http://clubs.akc.org/NBC/index.htm</a>			“No bitch should be required to have an excessive number of litters, and no bitch should be mated at successive seasons without regard to her health.”	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Bearded Collie Club of America, Inc.	<a href="http://bccca.us/">http://bccca.us/</a>	Two years old	Eight years of age	Recommends that a bitch not be bred during three consecutive seasons unless either of the first two breedings produced fewer than two live puppies or her seasons are 12 or more months apart. It is advisable that a bitch not produce more than 5 litters during her lifetime.	Yes
American Beauceron Club	<a href="http://www.beauce.org/">http://www.beauce.org/</a>	Two years of age. However, because this breed is slow to mature, many breeders wait until the dogs are at least three years of age.		A bitch should not be bred more than twice out of every three seasons. Some responsible breeders of working bitches limit breeding to age two, four and six.	Yes
Bedlington Terrier Club of America	<a href="http://bedlingtonamerica.com/">http://bedlingtonamerica.com/</a>	18 months old	10 years of age	A bitch should not be bred before her second season or 18 months of age, whichever occurs first. The maximum recommended numbers of litters a bitch should have in a lifetime is 4 to 5 litters, and only if the bitch remains in good health.	Yes
Belgian Sheepdog Club of America, Inc.	<a href="http://www.BSCA.INFO/">http://www.BSCA.INFO/</a>	18 months of age		Not more often than two out of three consecutive heat seasons, and only then if in robust health.	Yes
Bergamasco Sheepdog Club of America	<a href="http://bergamascousa.com/">http://bergamascousa.com/</a>	22 months of age (but 24 months is recommended)		Not more than 2 out of 3 consecutive seasons	Yes
Bernese Mountain	<a href="http://www.bmd">http://www.bmd</a>	24 months of age		No more than two out of three	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Dog Club of America	<a href="http://ca.org/">ca.org/</a>			seasons. A period of a one-year rest between litters is desirable.	
Black Russian Terrier Club of America, Inc.	<a href="http://brtca.org">http://brtca.org</a>	24 months of age, and then only if the bitch is sufficiently mature, in excellent physical health, of sound temperament, and conforms to the Breed Standard.	Six years unless the bitch is given veterinary approval	Do not allow a bitch to whelp more than two litters in any three consecutive six-month seasons. Do not allow a bitch to carry to term and rear more than 6 litters in her lifetime. Do not breed and raise more than three litters in any given year.	Yes
Borzoi Club of America	<a href="http://www.borzoiclubofamerica.org/">http://www.borzoiclubofamerica.org/</a>	No bitch before she is at least two years of age and has had two complete normal seasons.	Nine years	No more than two (2) litters in a two (2) year period.	Yes
Boston Terrier Club of America	<a href="http://www.bostonterrierclubofamerica.org/">http://www.bostonterrierclubofamerica.org/</a>			Definitely avoid anyone who "always has puppies", or who is breeding their bitch every year	Yes
American Bouvier Des Flandres Club, Inc.	<a href="http://www.bouvier.org/">http://www.bouvier.org/</a>	No bitch during her first season unless this occurs after 12 months of age.		No more often than two out of three heat seasons (and only if in excellent health).	Yes
American Boxer Club, Inc.	<a href="http://www.americanboxerclub.org/">http://www.americanboxerclub.org/</a>	18 months of age	Six years	Not more than twice in any three consecutive estrus cycles.	Yes
The Bracco Italiano Club of America	<a href="http://www.thebraccoclub.org/">http://www.thebraccoclub.org/</a>	Two years of age	Seven years	No more than one litter a year	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Braque D'Auvergne Pointer Club of America	<a href="http://braque-d-auvergne.org/registry.htm">http://braque-d-auvergne.org/registry.htm</a>			No more than twice in 2 years.	No
Braque Du Bourbonnais Club of North America	<a href="http://bdbca.org/">http://bdbca.org/</a>	Only after 2 years of age		Not breed any females on consecutive heat cycles that fall within a 12 month period	Yes
Bulldog Club of America	<a href="http://www.bulldogclubofamerica.org/">http://www.bulldogclubofamerica.org/</a>	18 months of age	Five years unless a veterinarian says otherwise	A responsible breeder will not permit a bitch to produce three consecutive litters unless breeding consecutive litters is recommended by a veterinarian.	Yes
Cairn Terrier Club of America	<a href="http://www.cairnterrier.org/">http://www.cairnterrier.org/</a>	16 months of age		No more than 2 out of 3 heat seasons, and only then if in robust health	Yes
Canaan Dog Club of America	<a href="http://www.cdca.org/">http://www.cdca.org/</a>	Two years of age	Nine years	A bitch shall produce no more than 7 litters in her lifetime and produce no more than 1 litter per year.	Yes
Cane Corso Association of America	<a href="http://www.caneorso.org/">http://www.caneorso.org/</a>	18 months of age		Females should not be bred every heat cycle	Yes
Cardigan Welsh Corgi Club of America, Inc.	<a href="http://www.cardigancorgis.com/">http://www.cardigancorgis.com/</a>	12 months of age		No more than twice in 18 months	Yes
American Cavalier	<a href="http://ackcsc.org">http://ackcsc.org</a>	18 months old or her third	Eight years	Do not allow a bitch to whelp more	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
King Charles Spaniel Club, Inc.		season, whichever comes first		than two litters during any three consecutive heat cycles. 3. Do not allow a bitch to carry to term and rear more than six litters in her lifetime.	
Central Asian Shepherd Society of America.	<a href="http://cassa.homestead.com/">http://cassa.homestead.com/</a>	18 months of age	Seven years	Not more than once per year	No
American Cesky Terrier Fanciers Association	<a href="http://ceskyterrierfanciers.com/">http://ceskyterrierfanciers.com/</a>	Two years of age	Eight years	No more than 2 out of 3 consecutive seasons. No more than 4 litters in a lifetime	Yes
Chinese Shar-Pei Club of America, Inc.	<a href="http://www.cspca.com/">http://www.cspca.com/</a>	18 months of age	Eight years	Not more than two out of three consecutive seasons	Yes
Chinook Club of America	<a href="http://www.chinookclubofamerica.org/">http://www.chinookclubofamerica.org/</a> <a href="http://chinookclubofamerica.org/home.htm">http://chinookclubofamerica.org/home.htm</a>	Two years of age	Seven years	No more than 2 litters in 2 years	Yes
Cirneco dell'Etna Club of America	<a href="http://www.cirneco.com/Welcom.html">http://www.cirneco.com/Welcom.html</a>	Two years of age		Not more than once per year	No
Clumber Spaniel Club of America	<a href="http://www.clumbers.org/">http://www.clumbers.org/</a>	Two years of age		No more than 3 litters	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed <sup>1</sup>
American Spaniel Club	<a href="http://www.asc-cockerspaniel.org/">http://www.asc-cockerspaniel.org/</a>			Breeders shall not breed bitches every season. (It is recommended a bitch not be bred more than four times during a lifetime). Limit the number of litters they breed, or co-breed, to average no more than four litters a year. (This, due to the extreme number of litters being produced and the large number of dogs ending up in animal shelters).	Yes
Curly-Coated Retriever Club of America	<a href="http://www.ccrca.org/">http://www.ccrca.org/</a>	Two years old		Not to have litters from any bitch more than once in a calendar year or not more than twice in a two year period, if successfully bred on consecutive seasons in a single calendar year.	Yes
The Czechoslovakian Vlcak Club of America	<a href="http://www.czechoslovakianvca.org/">http://www.czechoslovakianvca.org/</a>	Two years of age	Bitch: 7 years  Stud: 8 years old	When a bitch's cycle is under one year, there should be no breeding at two successive seasons, unless there is a very exceptional reason. Bitches should have no more than 5 litters in their lifetime.	Yes
Dachshund Club of America, Inc.	<a href="http://www.dachshund-dca.org/">http://www.dachshund-dca.org/</a>			Reputable breeders typically only have a few litters a year, and will only breed their females a few times in their lifetime	Yes
Dandie Dinmont Terrier Club of	<a href="http://clubs.akc.org/ddtca/index">http://clubs.akc.org/ddtca/index</a>	Never during the bitch's first season		No more often than two out of three heat seasons and then only if she is	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
America, Inc.	html			in robust health	
Danish-Swedish Farmdog Club of America	<a href="http://www.farmdogs.org/index.htm">http://www.farmdogs.org/index.htm</a>	24 months of age	Eight years	Not more than 2 out of 3 consecutive seasons, and no more than 4-5 litters in a lifetime	No
Doberman Pinscher Club of America	<a href="http://www.dpca.org/">http://www.dpca.org/</a>	The bitch should be at least 18 months of age.  The stud should be at least one year of age	Eight years unless the bitch receives a veterinary certification.	No bitch should be bred more than once a year without first obtaining veterinary certification that such a breeding is medically appropriate	Yes
The Drentsche Patsjshond Club of North America	<a href="http://www.dpcna.org/">http://www.dpcna.org/</a>		Eight years	Not more than once per year	No
American Dutch Shepherd Club	<a href="http://members.atlantic.net/~vcristel/adsc.htm">http://members.atlantic.net/~vcristel/adsc.htm</a>			Not more than 2 out of 3 consecutive seasons	No
The English Shepherd Club, Inc	<a href="http://www.englishshepherd.org/">http://www.englishshepherd.org/</a>	Must be both physically and mentally mature	“[A]n appropriate age”	Do not breed any bitch repeatedly in such a manner as to endanger her health or that of her puppies	No
English Toy Spaniel Club of America	<a href="http://www.englishtoyspanielclubofamerica.org/">http://www.englishtoyspanielclubofamerica.org/</a>	The bitch must be at least 12 months of age, sufficiently mature, and in excellent health	Breeder should seek the opinion of a veterinarian regarding the bitch’s health for breeding at 7 years of age	Breeder shall not breed bitches more than 2 out of every 3 seasons. A bitch should not be allowed to carry to term and rear more than 5 litters in a lifetime.	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
The Estrela Mountain Dog Association of America	<a href="http://www.emd-aa.com/">http://www.emd-aa.com/</a>	Two years of age	Eight years	Not more than once per year. No more than 3 litters or 30 puppies in a lifetime.	No
United States Eurasier Club	<a href="http://www.useurasierclub.org/">http://www.useurasierclub.org/</a>	Two years of age	Seven years	At least 12 months between breedings. No more than 3 litters in a lifetime.	Yes
Fila Brasileiro Association, Inc	<a href="http://www.filabrasilassn.com/index.shtml">http://www.filabrasilassn.com/index.shtml</a>	18 months of age		No more than 2 out of 3 consecutive seasons	No
Finnish Lapphund Club of America	<a href="http://www.finnishlapphundclubofamerica.org/">http://www.finnishlapphundclubofamerica.org/</a>	18 months of age (but preferably 24 months of age)		Not more than 2 out of 3 consecutive seasons	Yes
Flat-Coated Retriever Society of America, Inc.	<a href="http://www.fcrsa-inc.org/">http://www.fcrsa-inc.org/</a>	24 months of age		No more than once a year, or more than twice in any two year period, if bred on consecutive seasons. A bitch, in her lifetime, would not be expected to produce more than three litters of normal size.	Yes
German Pinscher Club of America	<a href="http://www.german-pinscher.com/">http://www.german-pinscher.com/</a>	Bitches: 18 months of age. Studs: one year of age.	Studs: 12 years of age.  Bitches: 9 years of age.	No more than once a year	Yes
German Shepherd	<a href="http://www.gsdca.com/">http://www.gsdca.com/</a>	Two years old		Breed bitches only when there is a	Yes



<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Dog Club of America	<a href="#">a.org/</a>			definite goal for improvement of the breed in mind, never permitting them to produce three consecutive litters unless breeding consecutive litters is recommended by a veterinarian.	
German Shorthaired Pointer Club of America	<a href="http://www.gspca.org/">http://www.gspca.org/</a>	24 months of age		No more than twice in 2 years.	Yes
Giant Schnauzer Club of America, Inc.	<a href="http://www.giantschnauzerclubofamerica.com">http://www.giantschnauzerclubofamerica.com</a>	Two years old	Eight years	Not more than once a year	Yes
Glen of Imaal Terrier Club of America	<a href="http://www.glensofimaal.org/">http://www.glensofimaal.org/</a>	Two years old	Eight years	No more than 2 litters during any 3 consecutive seasons nor more than 4 litters in her lifetime.	Yes
Great Dane Club of America, Inc.	<a href="http://www.gdca.org/">http://www.gdca.org/</a>	18 months of age		Not more than once a year	Yes
Great Pyrenees Club of America, Inc.	<a href="http://www.gpcanet.org/">http://www.gpcanet.org/</a>	20 months of age or not before her second heat		No more than 2 out of 3 heat seasons	Yes
Greater Swiss Mountain Dog Club of America	<a href="http://www.gsmca.org/">http://www.gsmca.org/</a>	Two years of age		No more than 4 litters in her lifetime	Yes
Greyhound Club of America	<a href="http://www.greyhoundclubofamerica.org/index">http://www.greyhoundclubofamerica.org/index</a>	18 months of age	Seven years	No breeding at 2 consecutive seasons	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
	.html				
Hamiltonstövare Club of America	<a href="http://www.hamiltonstovareusa.com/">http://www.hamiltonstovareusa.com/</a>	Two years of age		No more than once per year	No
Hovawart Club of North America	<a href="http://www.hovawartclub.org/">http://www.hovawartclub.org/</a>	24 months of age	Eight years	No more than once every 12 months, or 18 months if previous litter has more than 8 puppies	No
Icelandic Sheepdog Association of America, Inc.	<a href="http://www.icelanddogs.com/Main.html">http://www.icelanddogs.com/Main.html</a>	24 months of age	Eight years	No more than 4 litters or 25 puppies (whichever is greater). One season or 9 months in between litters.	Yes
Irish Red and White Setter Association	<a href="http://www.irishredwhitesetterassociation.com/">http://www.irishredwhitesetterassociation.com/</a>	Two years of age	Eight years	Not more than once in 12 months	Yes
Irish Wolfhound Club of America	<a href="http://www.iwclubofamerica.org/">http://www.iwclubofamerica.org/</a>	24 months of age	Six years	No more than 2 out of 3 consecutive seasons, and no more than 3 litters in a lifetime	Yes
Italian Greyhound Club of America, Inc.	<a href="http://www.italiangreyhound.org/">http://www.italiangreyhound.org/</a>	Two years of age		No more than 2 out of 3 seasons	Yes
Japanese Spitz Club of America	<a href="http://www.japanespitzusa.com/">http://www.japanespitzusa.com/</a>	One year of age	Nine years	No more than 2 litters every 18 months. No more than 7 litters in a lifetime.	No
Keeshond Club of	<a href="http://www.kees">http://www.kees</a>	18 months of age,	Eight years	No more than 2 litters in 18 months	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
America, Inc.	<a href="http://hond.org/">hond.org/</a>	recommended 2 years old		or 3 seasons	
United States Kerry Blue Terrier Club, Inc.	<a href="http://www.uskbtc.com/">http://www.uskbtc.com/</a>	18 months of age, preferably 24 months	Eight years	No more than 2 out of 3 consecutive heat cycles, no more than 5 litters in a lifetime	Yes
American King Shepherd Club, Inc.	<a href="http://www.amerikankingshepherdclubinc.com/">http://www.amerikankingshepherdclubinc.com/</a>			It is recommended to skip a heat period between breedings of the bitch.	No
Lagatto Club of America	<a href="http://www.lagottous.com/">http://www.lagottous.com/</a>	18 months of age		No more than 2 out of 3 consecutive seasons	Yes
Leonberger Club of America	<a href="http://www.leonbergerclubofamerica.com/">http://www.leonbergerclubofamerica.com/</a>	Two years of age	Eight years	At least 10 months between breedings	Yes
American Lhasa Apsos Club	<a href="http://www.lhasaapso.org/">http://www.lhasaapso.org/</a>	18 months of age	Nine years	No more than 2 out of 3 consecutive seasons	Yes
The Lucas Terrier Club of America	<a href="http://www.lucasterrier.com/">http://www.lucasterrier.com/</a>		Seven years	No more than 5 litters in her lifetime	No
Maremma Sheepdog Club of America	<a href="http://maremmacclub.com/">http://maremmacclub.com/</a>			No more than 2 out of 3 consecutive seasons	No
Mastiff Club of America, Inc.	<a href="http://www.mastiff.org/">http://www.mastiff.org/</a>	22 months of age	Seven years	No more than once in any 12 month period unless she does not whelp a litter, the litter is stillborn, consists of a single pup, or is part of a veterinarian's recommendation.	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
American Mudi Association	<a href="http://www.americanmudiassociation.org/">http://www.americanmudiassociation.org/</a>	Two years of age		No more than once per year and not more than 2 out of 3 consecutive seasons	No
United States Neapolitan Mastiff Club	<a href="http://www.neapolitan.org/">http://www.neapolitan.org/</a>	12 months of age and not before her second heat cycle	After a female has already whelped five litters	Not more than two out of three consecutive heat cycles	Yes
Norwegian Elkhound Association of America, Inc.	<a href="http://www.neaa.net/">http://www.neaa.net/</a>	18 months of age	Seven years	Not in two consecutive heat cycles	Yes
Old English Sheepdog Club of America, Inc.	<a href="http://www.oldenglishsheepdogclubofamerica.org/">http://www.oldenglishsheepdogclubofamerica.org/</a>	24 months of age		Not in two consecutive heat cycles	Yes
Parson Russell Terrier Association of America	<a href="http://www.prtaa.org/">http://www.prtaa.org/</a>	18 months of age		No more than 6 litters in a lifetime	Yes
Pembroke Welsh Corgi Club of America	<a href="http://www.pembrokecorgi.org/">www.pembrokecorgi.org/</a>	One year of age	Eight years	Not 2 out of 3 consecutive seasons, not more than 6 litters in a lifetime	Yes
Peruvian Inca Orchid Enthusiasts Club	<a href="http://peruvianincaorchidenthusiastsclub.org/index.html">http://peruvianincaorchidenthusiastsclub.org/index.html</a>	Two years of age	Eight years	No more than 4 litters in a lifetime, or not more than 2 out of 3 consecutive seasons	No

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Pharaoh Hound Club of America	<a href="http://www.ph-club.org/">http://www.ph-club.org/</a>	Bitch: 18 months of age Stud: one year of age	Eight years	Not more than once a year without first obtaining veterinary certification that more frequent breedings is medically appropriate	Yes
American Polish Lowland Sheepdog Club	<a href="http://www.aponc.org/">http://www.aponc.org/</a>	18 months of age (2 years recommended)		Not more than 2 out of every 3 seasons	Yes
The Polish Tatra Sheepdog Club of America	<a href="http://www.ptsc.a.com/">http://www.ptsc.a.com/</a>	Two years of age		Not more than 2 out of 3 consecutive seasons	No
Portuguese Pointer Club of America	<a href="http://www.portuguesepointerclub.com/">http://www.portuguesepointerclub.com/</a>	One year old, but two years is recommended	Seven years	No more than once per year	No
Puli Club of America, Inc.	<a href="http://www.puliclub.org/">http://www.puliclub.org/</a>	After the bitch's first season		Not more than 2 out of 3 consecutive seasons	Yes
Pyrenean Mastiff Club of America	<a href="http://www.pyreanmastiff.org/">http://www.pyreanmastiff.org/</a>	24 months of age	Seven years	Must have a ten month rest period between litters. No more than 5 litters in a lifetime.	No
The Pyrenean Shepherd Club of America	<a href="http://www.pyrshepclub.com/">http://www.pyrshepclub.com/</a>	18 months of age		Not more than 2 out of 3 consecutive seasons	Yes
American Rottweiler Club	<a href="http://www.amrottclub.org/">http://www.amrottclub.org/</a>	Two years of age		Not more than 2 out of 3 consecutive seasons	Yes
Saint Bernard	<a href="http://www.saint">http://www.saint</a>	18 months of age, and after		No more than two out of three	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Club of America	<a href="http://bernardclub.org/">bernardclub.org/</a>	her second season		seasons. A period of one year lapse between litters is suggested.	
Saluki Club of America	<a href="http://www.salukiclub.org/">http://www.salukiclub.org/</a>	Two years of age	Seven years	Not more than 4 litters in a lifetime (1 or 2 recommended)	Yes
Schipperke Club of America, Inc.	<a href="http://www.schipperkeclub-usa.org/">http://www.schipperkeclub-usa.org/</a>	One year and after her second season		Not 2 successive litters in a year	Yes
Scottish Terrier Club of America	<a href="http://www.stca.biz/">http://www.stca.biz/</a>	18 months of age, or not before her third heat		Skip a season between most litters.	Yes
American Sealyham Terrier Club	<a href="http://clubs.akc.org/sealy/">http://clubs.akc.org/sealy/</a>	One year of age		Not more than 2 out of 3 heats	Yes
Siberian Husky Club of America, Inc.	<a href="http://www.shca.org/">http://www.shca.org/</a>	Two years of age		Not on consecutive seasons	Yes
International Silken Windhound Society	<a href="http://silkenwindhounds.org/">http://silkenwindhounds.org/</a>	18 months of age		No more than 2 litters in 2 years	No
American Sloughi Association	<a href="http://www.sloughi-international.com/">http://www.sloughi-international.com/</a>	Not before the bitch's second heat	Eight years	No more than once per year and no more than 3 litters in a lifetime	Yes
Slovensky Cuvac Dog Club of	<a href="http://www.slovenskycuvacusa.c">http://www.slovenskycuvacusa.c</a>			One heat between each breeding	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
America	om/				
Small Munsterlander Pointer Club of America	<a href="http://smpca.org/">http://smpca.org/</a>	Two years of age	Eight years	No more than 2 out of 3 consecutive cycles. No more than 5 litters of 3 or more puppies in her lifetime.	Yes
American Fox Terrier Club	<a href="http://www.aftc.org/">http://www.aftc.org/</a>	One year of age	Eight years	No more than 2 out of 3 seasons	Yes
Soft Coated Wheaten Terrier Club of America	<a href="http://www.scwtca.org/">http://www.scwtca.org/</a>	18 months of age		If bred on 2 successive seasons or twice within 12 months, do not breed her during her next 2 seasons or 12-month period.	Yes
Ameri-Can Stabyhoun Association	<a href="http://www.stabyhouns.org/">http://www.stabyhouns.org/</a>	24 months of age	Eight years	No more than 2 litters in 24 months. No more than 5 litters in a lifetime.	Yes
Staffordshire Bull Terrier Club of America	<a href="http://www.sbtca.com/">http://www.sbtca.com/</a>	Not prior to the bitch's second season	Six years	No more than twice in 3 consecutive seasons	Yes
Swedish Vallhund Club of America	<a href="http://www.swedishvallhund.com/">http://www.swedishvallhund.com/</a>	18 months of age		No more than twice in 3 consecutive seasons	Yes
American Tibetan Mastiff Association	<a href="http://www.tibetianmastiff.org/">http://www.tibetianmastiff.org/</a>	Two years of age	Eight years	No more than 2 litters in 3 years	Yes
Tibetan Terrier Club of America,	<a href="http://www.ttca-">http://www.ttca-</a>	Two years of age		Skip a season between most litters.	Yes

<b>National (or other) Breed Club</b>	<b>Website</b>	<b>Min. Breeding Age</b>	<b>Max. Breeding Age</b>	<b>Breeding Frequency</b>	<b>AKC-registered Breed<sup>1</sup></b>
Inc.	<a href="http://online.org/">online.org/</a>				
Welsh Springer Spaniel Club of America	<a href="http://www.wssca.com/">http://www.wssca.com/</a>	Two years of age		Not more than twice in any three consecutive seasons	Yes
West Highland White Terrier Club of America	<a href="http://www.westieclubamerica.com/">http://www.westieclubamerica.com/</a>	Not before the bitch's second estrus or 13 months	Seven years	Not more than 2 out of 3 consecutive seasons	Yes
American Wirehaired Pointing Griffon Association	<a href="http://www.awpga.com/">http://www.awpga.com/</a>	Two years of age	Eight years	No more than 1 litter within 12 months	Yes
Wirehaired Vizsla Club of America	<a href="http://www.whvca.us/">http://www.whvca.us/</a>	Two years of age	Eight years	No more than 2 out of 3 consecutive cycles. No more than 6 litters in her lifetime.	Yes
Yorkshire Terrier Club of America, Inc.	<a href="http://www.ytca.org/">http://www.ytca.org/</a>	18 months of age or the bitch's second heat		Tells breeders to make healthy spacing between litters a priority and to protect unspayed bitches from unplanned matings.	Yes



Exhibit I-1

APHIS Inspection Report for  
Pee Vine Kennels



## Inspection Report

Fedler Ag Inc.  
Pee Vine Kennels  
2294 162nd Street  
West Point, IA 52656

Customer ID: **23282**  
Certificate: **42-A-1428**  
Site: 001  
FEDLER AG INC

Type: ROUTINE INSPECTION  
Date: Dec-03-2013

**2.40** (b) (2) **REPEAT DIRECT NCI**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

\*\* A four year old, white, female, Bichon Frise, had a pad caught on the flooring, and the dog aborted her puppies. The dog had shallow breathing, was shivering and had pale, tacky gums and lethargic. This can be signs that the dog is in distress. The dog needs to be evaluated by a veterinarian to determine if treatment is necessary. All dealers must use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. To be corrected by: 12-03-13.

Note: This inspection was stopped so that the owner could provide veterinary attention to the dog.

End of report.

Prepared By:

**JOHN LIES, A.C.I.**

JOHN J LIES, A.C.I. USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR Inspector 4041

Date:  
Dec-03-2013

Received By:

**(b)(6), (b)(7)(c)**

Title:

Date:  
Dec-03-2013

Exhibit I-2

APHIS Inspection Report for  
Rocky Creek Kochs



## Inspection Report

Angelia Kochs  
1903 State Hwy A C  
Niangua, MO 65713

Customer ID: **29769**  
Certificate: **43-A-5611**  
Site: 001  
ANGELIA KOCHS

Type: ROUTINE INSPECTION  
Date: May-01-2014

**2.40 (b) (2) REPEAT**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2)

\*\*\*In the outdoor facility, there was a male Maltese identified as Prince Lewie #108.561.551 that had no weight bearing on the right front leg. Upon further observation, in between the digits, the tissue was swollen and red with a darkened area in the center. The facility representative stated that this problem had been noted this morning during walk through and would be treated with medication today. According to the program of veterinary care there is no treatment plan from the attending veterinarian for this type of issue. Limited weight bearing or non-weight bearing limbs are an indication of discomfort, pain, injury or disease and increase the risks of further deterioration if not properly diagnosed and treated or left if left unattended. The licensee must have this animal evaluated by a licensed veterinarian for appropriate diagnosis by May 6, 2014 and treat as directed.

\*\*\*In the outdoor facility, there was a female French Bulldog identified as Sara Jo #041.366.568 that was walking cautiously inside the enclosure. Some of the toenails were wrapping around the wire flooring and turning the toe digits in an abnormal manner as pressure was applied. The facility representative trimmed the toenails during the inspection. Long toenails can cause discomfort or pain and can lead to injury if left unattended.

\*\*\*In the medication ready to use storage area, there was a bottle of Vetericyn that expired 02/14. Expired medications may not produce the desired result. The licensee must remove this medication from the ready to use medication storage and assure that all medications used on regulated animals is within the manufacturer's expiration date.  
The licensee must assure that all animals receive adequate veterinary care as required.

This inspection began at 0903.  
The inspection and exit conference were conducted with the facility representative.

Prepared By:

BEVERLY HICKS, A.C.I.

BEVERLY HICKS, A.C.I. USDA, APHIS, Animal Care

Date:  
May-02-2014

Title: ANIMAL CARE INSPECTOR

Inspector 5051

Received By:

(b)(6), (b)(7)(c)

Date:  
May-02-2014

Title:



## Inspection Report

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End of report.

---

**Prepared By:**

BEVERLY HICKS, A.C.I.

**Title:**

BEVERLY HICKS, A.C.I.      USDA, APHIS, Animal Care  
ANIMAL CARE INSPECTOR      Inspector 5051

**Date:**

May-02-2014

**Received By:**

(b)(6), (b)(7)(c)

**Date:**

May-02-2014

Exhibit I-3

APHIS Inspection Report for  
Doris & Jay Kragt



## Inspection Report

DORIS KRAGT  
JAY KRAGT

Customer ID: **40806**  
Certificate: **42-A-1302**  
Site: 001  
KRAGT

2931 GARFIELD AVE

Type: ROUTINE INSPECTION

ROCK VALLEY, IA 51247

Date: Oct-29-2012

### 3.1 (c) (1) REPEAT

#### HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled.

All of the primary enclosures within the adult dog kennel have severely chewed and/or worn plastic support posts within the outside runs. The amount of chewing and wear on the posts varies throughout the kennel. The majority of the posts have a significant amount of grime and debris embedded in the chewed areas. There are 23 dogs within this part of the facility. The chewed areas cannot be readily cleaned and sanitized, which can lead to disease hazards for the dogs. The surfaces of housing facilities must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled.

### 3.2 (d) REPEAT

#### INDOOR HOUSING FACILITIES.

(d) Interior surfaces. The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels)

The whelping room, housing 2 adult dogs and 5 puppies, is an older wooden building. Portions of the walls, ceiling, and floor are not impervious to moisture. The ceiling tiles above the cage with the puppies are water stained. In some places, the walls have been covered with material that is impervious to moisture, but there are still areas that have not been repaired. The concrete flooring is not sealed and is old and porous with large cracks. Areas that are not impervious to moisture can hold moisture, bacteria, and other microorganisms which can lead to disease hazards for the animals. The floors and walls of indoor housing facilities must be made impervious to moisture. The ceilings of indoor housing facilities must be made impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

Prepared By:

HEATHER COLE, V M O

HEATHER COLE, D.V.M      USDA, APHIS, Animal Care

Date:

Title:

VETERINARY MEDICAL OFFICER Inspector 6026

Oct-30-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-30-2012



## Inspection Report

3.6 (a) (2) (x)

### PRIMARY ENCLOSURES.

(2) Primary enclosures must be constructed and maintained so that they: (x) Have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor;

On the East side of the outdoor portion of the adult housing building, the first cage on the South end of the building has a large gap in the floor. The gap surrounds a large PVC pipe on the edge of the enclosure and is approximately 5-6 inches in size. The gap is large enough for one of the dogs legs to pass through the floor. There are 3 dogs in this enclosure. Large gaps in the floor could lead to animal injury. The gap in the floor must be repaired so the dogs' feet and legs are protected from injury and so the dogs' feet and legs are not allowed to pass through any openings in the floor.

To be corrected by: November 12, 2012

3.11 (b) (2) REPEAT

### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(b) Sanitization of primary enclosures and food and water receptacles. (2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

All of the outdoor runs within the adult dog building have varying amounts of a thick layer of dark brown/black grime on the walls, dog doors, and support posts of the primary enclosure. Inside of the adult dog building, all of the enclosures have varying degrees of hair, dust, dirt and/or debris on the front gates of the primary enclosures and a thick layer of dark brown/black grime on the dog doors. There is a layer of dust and hair on the wire panels on top of the primary enclosures within the adult dog building. There are 23 dogs within the adult dog building. Within the whelping room, the cage on the right, housing 5 puppies, has a build-up of old feces on the floor of the primary enclosure. In some areas, the feces is completely caked into the grill type flooring. On the same enclosure, there is a build-up of hair, dust, dirt and/or debris on the front gates of the enclosure. Failure to clean and sanitize primary enclosures can lead to disease hazards for the dogs. All used primary enclosures need to be spot-cleaned daily and sanitized at least once every two weeks to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

Records not inspected at this time.

Inspection and exit interview conducted with the owner, a representative from IDALS and Heather Cole, AC VMO.

Prepared By:

HEATHER COLE, V M O

HEATHER COLE, D.V.M USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 6026

Oct-30-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-30-2012



Exhibit I-4

APHIS Inspection Report for  
Joseph & Rhoda Graber



## Inspection Report

JOSEPH GRABER  
RHODA GRABER

Customer ID: **19937**  
Certificate: **32-A-0350**  
Site: 001  
JOSEPH GRABER

9258 E 875 N

Type: ROUTINE INSPECTION

ODON, IN 47562

Date: Aug-21-2012

### 2.40 (b) (2) REPEAT DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries,

At the time of inspection there was a female Bernese Mountain Dog dob: 6/20/12 that had a front right paw where bones were protruding through the skin, and muscle was easily visible. The dogs left paw also had similar problems. The dog was whimpering on the floor of the enclosure and unable to move. The licensee said that the dog had broken both its front paws on 8/16/12, 5 days earlier. They were unsure as to how this had happened. The attending vet was out to the facility to check on puppies the next day, but was not asked to look at this puppy. As the licensee's son lifted the dog for me to see it better, it cried out in pain, and was in obvious distress. The licensee was called and came home from work, whereupon he was told that the dog needed to be seen immediately. The attending vet did show up while the inspector was there to euthanize the dog. When asked why the vet hadn't seen it on Friday when he was out the licensee stated that they just hadn't thought about it, and had been giving the dog some steroids to help with the pain.

There was also a female shih-tzu # 283 that was brown and white that was in its enclosure licking its lips constantly. On further examination, the dogs rear cheek teeth and front canines were both covered in a thick layer of a brown and green crusty substance. The licensee's son stated that they were planning on euthanizing the dog after it gave birth and weaned the pups. There was no evidence that the dog had been seen by the attending vet prior to this inspection. During the writeup of this inspection the attending vet did show up, and determined that the dog would need dental work and a tooth pulled, but left without doing the procedure.

A cavalier spaniel female #107 was observed to have a thick black discharge from both ears that encrusted the interior and exterior hair with a black substance. The interior of the ear had more discharge and was red, painful and irritated. The attending vet proscribed treatment for the dog, while he was there prior to seeing the dog. So it is unsure as to if a proper diagnoses and treatment was made.

Also there are between 10-15 dogs in the rear kennel that have nails so long that they are bending sideways as the dog stands. These long nails can easily get caught in the flooring of the kennel and cause

Prepared By:

ELIZABETH TAYLOR, ACI

ELIZABETH TAYLOR, ACI USDA, APHIS, Animal Care

Date:

Title: ANIMAL CARE INSPECTOR Inspector 6004

Aug-21-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Aug-21-2012



## Inspection Report

the nail to be ripped off.

All of these animals need to be seen by the attending veterinarian and treated as per the vet's instructions. A good working relationship between the attending vet and the licensee is necessary so that animals are treated and their health and well being are maintained. Proper medical treatment will result in healthier dogs, and less medical problems.

### 2.40 (b) (3) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

- (b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
- (3) Daily observation of all animals to assess their health and well-being; Provided, however, That daily observation of animals may be accomplished by someone other than the attending veterinarian; and Provided, further, That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

During this inspection, there were multiple dogs having severe veterinary care issues that the licensee had either not noticed on their own, or had not had seen by the attending vet in a timely manner

A Bernese mountain dog puppy was injured 5 days prior to this inspection. The licensee determined that it had broken both of its front legs and was treating it with a steroid shot. The puppy was observed to have muscle and broken bones exposed on both front paws. The puppy was sitting in its enclosure unable to move and whimpering in pain. Even though the attending vet visited the day after the injury happened, the licensee did not have the vet look at the puppy. When this dog was noticed, the licensee was told he needed to have the vet out immediately to see this dog. The vet did come to the facility within 30 minutes and the puppy was euthanized.

There was also a red & white female king charles cavalier spaniel that had a black substance leaking from both ears. It had been coming out long enough that one entire ear was covered with the black substance. The ear on closer examination was red & raw inside. The licensee had not noticed this dog had a problem until it was pointed out by the inspector.

There was a female shih-tzu that had an extreme buildup of brown and green substances on all of her teeth. The licensee knew that she had problems, and had planned on euthanizing her after she had puppies, but had never had her seen by the attending vet.

There were also 10-15 dogs that had extremely long nails to the point that the curled sideways as the dog was standing. The licensee had not noticed that these nails were so long, even though on the last inspection he was cited for having a dog with long nails that had gotten them caught in flooring and had ripped one off.

Veterinary care problems need to be addressed in a timely manner and observed when they occur. Failing to get treatment for a dog that is suffering and in pain prolongs its suffering. Daily observation needs to occur every day and the vet notified of any changes in an animals health so that they can be treated appropriately and the possibility of pain and suffering is avoided.

<b>Prepared By:</b>	ELIZABETH TAYLOR, ACI		
<b>Title:</b>	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	<b>Date:</b>
	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
<b>Received By:</b>	(b)(6), (b)(7)(c)		
<b>Title:</b>			<b>Date:</b>
			Aug-21-2012



## Inspection Report

Correct by: Immediatley

**2.50** (a) (2)

### TIME AND METHOD OF IDENTIFICATION.

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:

- (i) An official tag as described in Sec. 2.51;
- (ii) A distinctive and legible tattoo marking approved by the Administrator; or
- (iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to Sec. 2.51.

Currently there are 3 huskies, 2 bassets and 5 bernese mt dog puppies that are over 8wks of age, and are not being maintained as a litter. None of these puppies are being identified with any type of cage card, tag, microchip, or collar. The licensee has the microchips for the puppies but has yet to microchip the dogs. As a result they cannot be identified easily and cannot be individually identified as needed for medical records or sales.

All puppies that are not maintained as a litter and are not identified on a cage card need to have some type of identification so that the dogs can be readily identified and tracked. This will help ensure that proper paperwork is being kept and the animals can be followed through from birth to sale.

Correct by: August 28, 2012

**3.1** (c) (1) (i) **REPEAT**

### HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

- (i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface

Currently multiple metal panels used to construct the primary enclosure doors and walls are starting to rust. In a few sections where the metal was painted the paint is flaking off to expose rust underneath. The licensee knew that something probaly needed to be done about the rust but as of this inspection had not started doing anything to correct the problem. These areas need to be replaced or made water proof again so that they can be properly cleaned and sanitized. Allowing rust in the kennel does not allow for a good through cleaning in case of a disease outbreak. This will help ensure the health and well-being of the dogs.

**3.11** (b) **REPEAT**

### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(b) Sanitization of primary enclosures and food and water receptacles. (1) Used primary enclosures and

Prepared By:

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ELIZABETH TAYLOR, ACI USDA, APHIS, Animal Care

Date:

Title: ANIMAL CARE INSPECTOR Inspector 6004

Aug-21-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Aug-21-2012



## Inspection Report

food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:

- (i) Live steam under pressure;
- (ii) Washing with hot water (at least 180 [deg]F (82.2 [deg]C)) and soap or detergent, as with a mechanical cage washer; or
- (iii) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.

Currently there is still a heavy buildup of a brown substance on the walls of the primary enclosures of both buildings. This buildup can easily be scraped off with a fingernail. The licensee states that they are currently using equine suds and chlorahexadine and a pressure washer to clean with. The buildup of organic material needs to be cleaned away prior to using the chlorahexadine to achieve true sanitizing.

It was also said that the whelping boxes are only sanitized when the dogs are switched out of them. These also need to be cleaned and sanitized at a minimum of every 2 weeks to ensure that a clean environment is available to raise puppies in. The feeders also need to be sanitized throughout the entire kennel on a 2 week basis to ensure that there does not become a heavy buildup of material and that the food that is in them remains palatable.

There is also a heavy layer of dust on the top of the primary enclosures in the old building. The licensee is planning on replacing these enclosures, but until that happens they need to be cleaned on a regular basis so that the kennel remains free of dirt and possibly disease hazards

This inspection was conducted with the licensee & his son. Exit interview was conducted with the licensee, licensee's wife & undersigned inspector.

<b>Prepared By:</b>	ELIZABETH TAYLOR, ACI		
<b>Title:</b>	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	<b>Date:</b>
	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
<b>Received By:</b>	(b)(6), (b)(7)(c)		
<b>Title:</b>			<b>Date:</b>
			Aug-21-2012

Exhibit I-5

APHIS Inspection Report for  
Debra Pratt



## Inspection Report

Debra Pratt

Customer ID: **321436**

Certificate: **42-A-1399**

Site: 001

Debra Pratt

2825 - 120th St.

Type: ROUTINE INSPECTION

NEW SHARON, IA 50207

Date: Oct-02-2012

### 2.40 (b) (2) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

\*\* 1 Dachshund microchip number 043008066 had greenish pus like substance in both eyes. The area around the eyes had brownish crusted matter around the eyes and raw areas from the dog scratching at the eyes. The greenish substance in the eyes and the crusted irritated areas around the eyes could be a sign of injury, and/or disease and can be painful for the animal.

\*\* 1 Pug microchip number 108559272 had an abnormal left eye. The eye had a brownish growth on the eye. The abnormal eye with a growth on the eye can be a sign of injury and/or disease and can be painful for the animal.

The dogs need to be evaluated by a veterinarian to determine if treatment is needed. All dealers must use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. To be corrected by: 10-05-12.

### 2.50 (a) (2) REPEAT

#### TIME AND METHOD OF IDENTIFICATION.

Sec. 2.50 Time and method of identification.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:

\*\* No fewer than 50 puppies did not have proper identification at the time of the inspection. Proper identification is required by the USDA to aid in the proper tracking and identification of animals. All puppies must be properly identified, If puppies are kept as a litter then a cage card can be used. The cage card must have the puppies individual identification number (not to be repeated in five years), the sex, date of birth, breed type, and brief description. If litters are mixed then the identification must be on each

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 4041

Oct-03-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-03-2012



## Inspection Report

individual puppy. All dealers must properly identify all live dogs on the premises to include puppies to aid the USDA in the proper tracking and identification of animals.

### 3.1 (f)

#### HOUSING FACILITIES, GENERAL.

(f) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the back flow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures must be drained or mopped up so that the animals stay dry.

\*\* The sundowner type building on the south side of the facility housing no fewer than 50 animals had the animal waste from the wash downs collecting into plastic containers at the end of the building. The plastic containers and the ground around the containers contained animal waste and standing water that can contribute to odors, pest, and disease hazards. The containers need to be emptied daily to reduce odors, pest and disease hazards. To be corrected by: 10-05-12.

\*\* The sundowner type building on the north side of the facility housing no fewer than 50 animals did not have a drainage system. The animal waste from the wash downs is draining onto the ground around the building. The area around the building had an accumulation of animal waste and standing water. The animal waste and standing water can contribute to odors, pest, and disease hazards. A collection and drainage system needs to be constructed to eliminate the waste and runoff from around the building. To be corrected by: 05-01-13.

Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation.

### 3.6 (a) (2) (x)

#### PRIMARY ENCLOSURES.

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

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JOHN LIES, A.C.I.

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Oct-03-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-03-2012





## Inspection Report

\*\* No fewer than 3 enclosures housing 3 dogs each, inside of the sundowner type building on the south side of the facility had holes in the elevated flooring next to the partitions dividing the enclosures. The holes that have rusted through the elevated flooring could allow the feet of the dogs inside of the enclosures to fall through the flooring which could injure the feet or legs of the animals. The flooring needs to be repaired so that it does not allow for the dogs feet to fall through the floor. All flooring must be constructed in a manner that protects the dogs feet and legs from possible injury. To be corrected by: 10-15-12.

### 3.11 (a)

#### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process.

\*\* The sundowner type building to the north of the facility housing no fewer than 50 animals is not being properly cleaned. The supports and the flooring under the enclosures had an accumulation of animal waste and hair on the supports and hanging from the flooring. The wash downs had an accumulation of animal waste and residue on the surfaces. One enclosure had an accumulation of more than a days worth the feces inside of the outside part of the enclosure. The outside part of the enclosure was on the second tier of enclosures and the second enclosure from the east on the north side. This part of the enclosure was not accessible and could not be photographed for inspection purposes. The accumulation of animal waste, hair and feces contributes to odors, pest and disease hazards. The enclosures and under the enclosures need to be cleaned to remove excreta and food waste to reduce odors, pest and disease hazards. The north side of the building may need to be modified so the outside of the enclosures are easily accessible to allow for proper cleaning, maintenance, and inspection. All enclosures must be spot cleaned daily and from under the enclosures as often as necessary to prevent the accumulation of feces and food waste to reduce odors, pest and disease hazards. To be corrected by: 10-04-12.

### 3.11 (d)

#### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

\*\* The sundowner type building on the south side of the facility housing no fewer than 50 animals had a large population of flies inside of the building. The flies can carry disease and contaminate the food for the animals inside of the building. The owner needs to establish a pest control program to help reduce the number of flies and other pest that can carry disease and contaminate food and animal areas. An effective pest control program must be established and maintained to control insects, external parasites, birds and mammals that are pest to promote the health and well-being of the animals. To be corrected by: 10-31-

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 4041

Oct-03-2012

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Oct-03-2012



## Inspection Report

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12.

This inspection and exit briefing conducted with the owner.

End of report.

---

**Prepared By:**

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

**Date:**

**Title:**

ANIMAL CARE INSPECTOR

Inspector 4041

Oct-03-2012

**Received By:**

(b)(6), (b)(7)(c)

**Date:**

**Title:**

Oct-03-2012

Exhibit I-6

APHIS Inspection Report for  
Kenneth & Leatrice McGuire



## Inspection Report

KENNETH MC GUIRE  
LEATRICE MC GUIRE

Customer ID: **13174**  
Certificate: **42-A-0830**  
Site: 001  
LEATRICE & KENNETH MCGUIRE

1525 310TH STREET  
  
NORTH ENGLISH, IA 52316

Type: ROUTINE INSPECTION  
Date: Mar-12-2013

**2.40** (b) (2) **REPEAT DIRECT NCI**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:  
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

\*\* One five year old male Yorkshire Terrier micro-chip #086546529, had a gray/brown buildup on the canine and cheek teeth to the point that the buildup is encasing the teeth and the gums are red and swollen. The owner needs to have the dog evaluated by a veterinarian to determine if treatment is necessary to prevent possible dental disease. The owner also needs to develop a dental prevention program for the kennel to prevent future dental problems with the dogs in the kennel and to contribute to the health and well-being of the animals. The dog also had hair matting around to face area that needs to be removed. Hair matting can harbor moisture, dirt, feces and harmful bacteria which can cause skin problems and other health problems. The dog need to have the hair mats removed and a healthy hair coat maintained to contribute to the health and well-being of the animals.

\*\* One three year old Dachshund micro-chip #0A0169445. Inside the lower half of the right eye contained a red substance and the white of the eye had visible blood vessels. The dog needs to be evaluated by a veterinarian to determine if treatment is necessary by 03-14-13.

\*\* One six year old Bichon Frise micro-chip #093806372, had a gray/brown buildup on the canine and cheek teeth to the point that the buildup is encasing the teeth and the gums are red and swollen. The owner needs to have the dog evaluated by a veterinarian to determine if treatment is necessary to prevent possible dental disease. The owner also needs to develop a dental prevention program for the kennel to prevent future dental problems with the dogs in the kennel and to contribute to the health and well-being of the animals.

All dealers must use appropriate methods to prevent, control, and treat disease and injuries.

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I. USDA, APHIS, Animal Care

Date:  
Mar-12-2013

Title: ANIMAL CARE INSPECTOR

Inspector 4041

Received By:

(b)(6), (b)(7)(c)

Date:  
Mar-12-2013

Title:



## Inspection Report

**3.1** (c) (3) **REPEAT**

### HOUSING FACILITIES, GENERAL.

Cleaning. Hard surfaces with which the dogs come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in Sec. 3.11(b)(3) for primary enclosures.

\*\* The surfaces in the primary enclosures on the inside of the indoor/outdoor building (sundowner type) housing approximately forty dogs had a build up of animal waste, oils, or other residues. There continues to be a build up of dirt on the surfaces inside of the sundowner type building. The flooring inside of the enclosures inside of the whelping area had a build up of feces caught on the flooring and under the flooring. This does not provide for the health and well being of the dogs and does not demonstrate proper husbandry practices which can contribute to disease hazards, odors and pest. The enclosures and general surfaces need to be cleaned and sanitized to remove excreta residue and dirt.

Surfaces must be spot cleaned daily and sanitized at least every 2 weeks to include feeders and whelping boxes and more often if necessary and maintained routinely. All other surfaces must be cleaned and sanitized as often as necessary to satisfy generally accepted husbandry practices.

**3.1** (f)

### HOUSING FACILITIES, GENERAL.

(f) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks.

\*\* Two enclosures containing two dogs each inside on the bottom of the two level indoor/outdoor building had waste from the wash down above them running down the back wall of the enclosure. This waste is contaminating the enclosure and can be a disease risk. The drainage system needs to be repaired or the dogs need to be moved to an enclosure that is not being contaminated from the drainage system. All drainage and waste disposal must minimize contamination to reduce disease hazards to provide for the health and well-being of the animals. To be corrected by: 03-13-13.

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR

Inspector 4041

Mar-12-2013

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Mar-12-2013



## Inspection Report

**3.6** (a) (2) (x) **REPEAT DIRECT NCI**

### PRIMARY ENCLOSURES.

Primary enclosures must be constructed and maintained so that they have floors that are constructed in a manner that protects the dogs' feet and legs from injury and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor;

\*\* The flooring in the whelping area had two enclosures containing six dogs mothers with puppies with broken wire flooring that create sharp points that can cause injury to the dogs feet. The flooring needs to be repaired or replaced by 03-14-13, so that it protects the dogs feet from injury.

\*\* The wire flooring in the whelping area, three enclosures containing eight puppies had wire large enough that it allowed the puppies feet to fall through the openings in the floor. This can cause injury to the puppies feet or legs. The flooring needs to be replaced or modified so that the legs and feet do not pass through any openings in the flooring.

All floors must be constructed and maintained in a manner that protects the dogs' feet and legs from injury.

This inspection and exit briefing conducted with the owner, John Lies, ACI and Heather Cole VMO.

End of report.

Prepared By:

JOHN LIES, A.C.I.

JOHN J LIES, A.C.I.

USDA, APHIS, Animal Care

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Inspector 4041

Mar-12-2013

Received By:

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Date:

Title:

Mar-12-2013

Exhibit I-7

APHIS Inspection Report for  
Pat Crabtree



## Inspection Report

Pat Crabtree  
1525 RD O  
SAINT FRANCIS, KS 67756

Customer ID: **16834**  
Certificate: **48-A-1641**  
Site: 002  
PAT CRABTREE

Type: ROUTINE INSPECTION  
Date: Apr-02-2013

### 2.40 (b) (2) DIRECT NCI

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors). (b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

The following dogs need to be evaluated by the veterinarian:

Female, black and tan Yorkshire terrier with number 077 045 886 has a buildup of brown material coating the upper cheek teeth (premolars) and the upper half of the upper canine teeth. The roots of the upper cheek teeth are visible on the right side and there is a creamy material along the gum line of these teeth. This dog was sitting very quietly in her enclosure when initially observed. These signs are consistent with dental disease. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal.  
\*\*\*

Male, white poodle with number 095 277 378 was observed to be limping on his right front leg. There is an area of swelling on top of the right front foot. The dog pulled his foot away when this area was touched. Limping can be caused by trauma, infection, joint issues and other medical problems and indicates pain. This dog also had brown material totally coating the cheek teeth and most of the canine teeth. The gums are red and recessed over the upper cheek teeth and canine teeth leaving some of the roots exposed. There is a creamy discharge at the gum line of some of the upper cheek teeth and the upper left canine tooth. These signs are consistent with dental disease. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal. This dog also had matted hair on his limbs. The mats were tight against the skin and were pulling at the skin. Matted coats can lead to infection, are painful and can inhibit the insulating properties of the coat. As part of the facility's program of veterinary care, the licensee must develop and follow a program of hair coat maintenance to ensure that animals are cleaned when their hair coats become soiled and that matted hair is removed on a regular basis.  
\*\*\*

Male, black and tan Yorkshire terrier with number 083 529 809 has a very heavy buildup of brown material on his upper cheek teeth. The gums are red and recessed away from the remaining cheek teeth

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Inspector 5047

Apr-03-2013

Received By:

(b)(6), (b)(7)(c)

Date:

Title:

Apr-03-2013





## Inspection Report

causing the roots to be exposed. The dog's tongue was protruding from his mouth when he was first observed. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal.

Female parti-colored Yorkshire terrier with number 941000014486657 was observed limping. As she walked around the enclosure, she would hold up her right rear leg for multiple steps before putting weight on it again. Limping can be caused by infection, trauma, joint issues, and other medical problems and indicates pain.

The licensee must have the above animals examined by a licensed veterinarian by end of the day on April 5, 2013 in order to ensure that an accurate diagnosis is obtained and that an appropriate treatment plan is developed and followed. The licensee must document the outcome of this consultation and make it available to the inspector upon request.

Female, brown, Chihuahua with number 016 050 874 has long toe nails. The toe nails of the right front foot are starting to curl under the foot. Long toe nails can change the way the animal walks and can be painful. As part of the facility's program of veterinary care, the licensee must develop and follow a program of toe nail maintenance.

To be corrected by: April 5, 2013

Male, cream colored Shih Tzu with number 033 278 550 has a matted coat. The mats are on all four limbs and on the hind quarters. The mats are tight and pull at the skin. Matted coats can lead to infection, are painful and can inhibit the insulating properties of the coat. As part of the facility's program of veterinary care, the licensee must develop and follow a program of hair coat maintenance to ensure that animals are cleaned when their hair coats become soiled and that matted hair is removed on a regular basis.

To be corrected by: April 5, 2013

There is a bottle of Clavamox suspension that has been reconstituted with no indication of when it was reconstituted or when it should be discarded. This medication was found intermingled with other medications in the refrigerator in the whelping building and is therefore considered ready for use. Medications that are used past their expiration date can experience spoilage or have reduced efficacy. This could lead to prolonged illness or suffering for the animals needing the drug. Ensure that all medications used in the facility are not expired and labeled properly in accordance with standard veterinary practices.

To be corrected by: April 4, 2013

<b>Prepared By:</b>	CINDY RHODES, A.C.I.		
<b>Title:</b>	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	<b>Date:</b> Apr-03-2013
<b>Received By:</b>	(b)(6), (b)(7)(c)		
<b>Title:</b>			<b>Date:</b> Apr-03-2013



## Inspection Report

There is a bottle of injectable Xylazine in the whelping building. The licensee stated this medication is used to sedate the animals for grooming but had no documentation showing written instructions from the attending veterinarian on its directions for appropriate use, the indications for its use, or precautions needed to be taken during its use. The licensee must ensure that all medications are used in a manner consistent with the provision of adequate veterinary care to protect the health of the animals and ensure drugs are used in an appropriate manner. The licensee must obtain written approval from their attending or prescribing veterinarian if they wish to continue to use xylazine to sedate dogs for grooming. This documentation must minimally contain information regarding indications for use, dosing instructions (route, concentration, dose, etc.), and guidance regarding appropriate monitoring and recovery of animals. All medications must be labeled and administered properly as part of the facility's programs of adequate veterinary care.

To be corrected by: April 11, 2013

**2.50 (a) REPEAT**  
**TIME AND METHOD OF IDENTIFICATION.**

2.50 Time and method of identification. (a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises

Four dogs did not have proper identification found during the inspection: female, red and white English Bulldog in the sundowner building named Marley, female, brindle and white English Bulldog named Circus and female parti-colored Yorkshire terrier in the wharton building, and a female, black and white English Bulldog in the first enclosure to the west of the door on the lower level of the east side of the whelping building. Proper identification is essential for tracking movement of animals and to facilitate the inspection process. The licensee must identify all live dogs on the premises.

**2.75 (a) (1) (i) REPEAT**  
**RECORDS: DEALERS AND EXHIBITORS.**

Sec. 2.75(a)(1)(i) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include: (i) The name and address of the person from whom a dog or cat was purchased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;

Of the 235 dogs listed on the Records of Animals on Hand forms, 84 did not have information regarding the source from which the animal was acquired. Complete and accurate records are required so that animals utilized in regulated activities can be properly identified and tracked. Maintain records or forms which fully and correctly disclose the required information to include name and address of the person from whom a dog was purchased or otherwise acquired.

<b>Prepared By:</b>	<b>CINDY RHODES, A.C.I.</b>	
	CINDY RHODES, A.C.I.      USDA, APHIS, Animal Care	<b>Date:</b>
<b>Title:</b>	ANIMAL CARE INSPECTOR      Inspector 5047	Apr-03-2013
<b>Received By:</b>	<b>(b)(6), (b)(7)(c)</b>	
		<b>Date:</b>
<b>Title:</b>		Apr-03-2013



## Inspection Report

**2.75** (a) (1) **REPEAT**

### **RECORDS: DEALERS AND EXHIBITORS.**

2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor.

There were 6 animals observed during the inspection whose identification number could not be found on the Records of Animals on Hand forms. In addition, there is a female, red and white English Bulldog that is on the premises for breeding. This dog is owned by another licensee. This dog is not listed on the Records of Animals on Hand forms. Complete and accurate records are required so that animals utilized in regulated activities can be properly identified and tracked. Maintain records or forms that include required information concerning each animal purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control.

The disposition records are not complete for several dogs to include but limited to 5 dogs (1 Adult Bichon named Katie, 032-835-596 died 1/17/13; 1 Adult mixed Shi/Malt named Peanut, 9410001388678, died 2/16/13; 1 adult English Bulldog named Duece, 032-629-557; 1 Adult English Bulldog named Isabella, 043-693-321; 1 Adult English Bulldog named Lily, 043-258-369). The records did not list the complete date of disposition and did not list the method of disposition or was completely removed from the records. Records which fully and correctly disclose the required information regarding acquisition and disposition of regulated animals are necessary to accurately track animals utilized in regulated activities.

Make, keep, and maintain records which fully and correctly disclose all of the required information regarding acquisition and disposition of all animals.

**3.1** (c) (1) **REPEAT**

### **HOUSING FACILITIES, GENERAL.**

3.1 Housing facilities, general. (c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled.

Outside enclosure #2 housing 2 adult Bull dogs and enclosure #3 housing one adult Bull dog on the west side of the sundowner building has plastic material around the dog doors that is ripped and chewed leaving exposed wood that cannot be properly cleaned and sanitized.

Outside enclosure #5 on the east side of the whelping building has a large hole in the plastic material which does not allow for proper cleaning and sanitizing of the area and is to be replaced when worn.

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USDA, APHIS, Animal Care

**Date:**

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Inspector 5047

Apr-03-2013

**Received By:**

(b)(6), (b)(7)(c)

**Date:**

**Title:**

Apr-03-2013



## Inspection Report

There are two rubber mats used on the floor of enclosures #3 housing 2 adult dogs and #5 housing two adult dogs in the whorton building. The rubber surface of these mats is worn so that the underlying threads are visible and starting to fray. This makes the mats difficult to clean and sanitize. Surfaces that cannot be cleaned and sanitized can play a role in disease transmission.

Construct and maintain surfaces within the facility so that they can be properly cleaned and sanitized or removed, replaced when worn or soiled.

**3.6 (a) (1) REPEAT**

**PRIMARY ENCLOSURES.**

3.6 Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements:  
(a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

Outside Pen # 3 and Pen #4 on the west side of the gray building the dividing wall has detached and is bowing to one side. The bowed fence is not structurally sound and an animal could potentially push the fence and cause it to fall. Primary enclosure must be designed and constructed so that it is structurally sound and kept in good repair.

**3.6 (a) (2) (i) REPEAT**

**PRIMARY ENCLOSURES.**

3.6 Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements: (2) Primary enclosures must be constructed and maintained so that they: (i) Have no sharp points or edges that could injure the dogs and cats;

Outside enclosure #3 on the east side of the gray building housing 1 Adult Yorkshire terrier and 1 Adult Maltese has broken wires with sharp ends protruding downward from the top of the enclosure that could potentially injure the animals.

On the west side of the whorton building the last enclosure on the bottom along the south side the top of the enclosure has broken wires with large gaps and pointed edges that could potentially injure the animals.

Outside enclosure #3 housing 3 Poodles and enclosure #2 Housing 3 Australian shepherd on the east side of the sundowner building the fence between these pens is pulled away with sharp edges protruding that could potentially cause injuries to the animals.

Inside the whorton building enclosures # 1, #4, #5 and #6 has metal feeders with ripped sharp edges that could injure the animals.

Outside enclosure #2 housing 3 Australian shepherd on the east side of the sundowner building has a

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<b>Received By:</b>	(b)(6), (b)(7)(c)		
<b>Title:</b>			<b>Date:</b> Apr-03-2013



## Inspection Report

long rebarb rods with sharp triangle near the end that is holding the dog door open. The angle in which the rebarb is lying on the door and the sharp edge could potentially cause an injury to the animals.

Outside on the east side upper enclosure #2 and #14 of the whelping building has long rebarb rods holding the dog doors open. The angle in which the rebarb is lying and the sharp edges could cause an eye injury or other types of injuries to the animals.

Construct and maintain enclosures so that they have no sharp points or edges that can injure the animals.

### 3.9 (b)

#### FEEDING.

3.9 Feeding. (b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in Sec. 3.11(b)(3) of this subpart.

There are 20 blue food receptacles with chewed edges in enclosures in the gray building. The chewed edges are deeply pitted. The chewed edges of the bowls show decrease in durability and are difficult to sanitize. When surfaces are not sanitized they can play a role in disease transmission. When bowls become worn or chewed to the point that they cannot be sanitized, they must be replaced. Provide durable water bowls without chewed edges that can be readily cleaned and sanitized.

To be corrected by 16 April 2013.

Inspection and exit briefing was conducted with licensee.

<b>Prepared By:</b>	CINDY RHODES, A.C.I.		
<b>Title:</b>	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	<b>Date:</b> Apr-03-2013
<b>Received By:</b>	(b)(6), (b)(7)(c)		
<b>Title:</b>			<b>Date:</b> Apr-03-2013

Exhibit I-8

Excerpts from APHIS Inspection  
Report for Sharlette & John Tidwell



<b>SUBJECT NAME:</b>	Sharlette & John Tidwell
<b>LICENSE/REGISTRATION #:</b>	43-B-0441
<b>9 CFR SECTION #:</b>	2.40 (b) (1)
<b>DESCRIPTION:</b>	Surgical instruments-evidence that licensee does surgery
<b>DATE:</b>	1 December 2009
<b>TIME:</b>	10:50 am-12:45 pm
<b>PHOTOGRAPHER:</b>	Kate Ziegerer, VMO

12/2/09

12/2/09





<b>SUBJECT NAME:</b>	Sharlette & John Tidwell
<b>LICENSE/REGISTRATION #:</b>	43-B-0441
<b>9 CFR SECTION #:</b>	2.40 (b) (1)
<b>DESCRIPTION:</b>	Surgical table & lights-evidence that licensee does surgery
<b>DATE:</b>	1 December 2009
<b>TIME:</b>	10:50 am-12:45 pm
<b>PHOTOGRAPHER:</b>	Kate Ziegerer, VMO

00001007001

12/2/10





Exhibit J

Economic Analysis of Veterinary  
Care for Rescued Dogs

# **Economic Impact of Enhanced Veterinary Care Requirements for Commercial Dog Breeders Regulated under the Animal Welfare Act<sup>1</sup>**

## **Summary**

Failure to provide adequate veterinary care under 9 C.F.R. § 2.40 is the most common type of Animal Welfare Act (AWA) violation committed by commercial dog breeders.<sup>2</sup> As discussed in Section IV.C of the Petition, the current veterinary care regulations place little emphasis on preventive care. As a result, each year Animal Care inspectors observe hundreds of incidences of dogs plagued by eye ailments, skin infections, dental disease, lameness, and other telltale signs of neglect. As elaborated on in the Petition, dogs—particularly adult breeding dogs—suffer in a chronic state of compromised welfare because the current regulations fail to require adequate care.

This economic analysis demonstrates that the proposed amendments to the veterinary care requirements under the AWA are unquestionably in the public interest in light of their modest cost to breeders, the enormous benefit to the welfare of breeding animals, and the cost-savings to consumers and animal welfare agencies. Furthermore, administration of the modestly priced preventive veterinary care proposed here could ultimately prove cost-effective to commercial dog breeders in those instances where it would prevent costlier-to-treat ailments from developing over time and enable breeders to avoid incurring penalties for certain common AWA violations.

This Petition proposes various modifications to the regulations to ensure proper veterinary care, including assessment of various breeding-related conditions during physical examinations, certifications of health prior to breeding, vaccinations, and other preventive screening for hereditary diseases. This is explained in more detail in Section IV.C of the Petition. Exhibit A contains the proposed regulatory language.

<sup>1</sup> This document was prepared by the ASPCA independently, and has been adapted for filing as part of the Petition.

<sup>2</sup> Gerald Rushin, APHIS Animal Care Stakeholder meeting, June 16, 2015.

## Animal Welfare Costs of Lack of Adequate Veterinary Care

### The Cost of Suffering

The prevalence of veterinary violations by dog breeders makes plain the failure of the current regulations to protect dogs. The ASPCA estimates that a minimum of thirty-four percent of all USDA licensed breeders have been cited for one or more veterinary care violation (see Table 2). It is further estimated that at least fifteen percent of licensed breeders have been cited for two or more veterinary care violations. Animal Care's Policy #3 recommends that a veterinarian visit the facility each year;<sup>3</sup> this recommendation stops far short of requiring that each animal be examined by a veterinarian annually. This regulatory shortcoming has large non-monetary costs for the welfare of dogs.

Table 1 shows a breakdown of veterinary care violations by type. The most commonly cited violations are for conditions such as excessive matting; eye, ear, and skin infections; and dental disease, all easily preventable with regular hands-on veterinary care which is currently not explicitly required by the regulations. As the Petition notes in Section IV.C.2, such a requirement would leave no doubt that preventive care is required. Note that the citation count does not account for the total number of animals impacted by each citation, which would be larger, as many citations involve multiple dogs and could, in fact, affect large numbers of dogs within a single facility receiving only a single citation for commonly found ailments.

**Table 1: Veterinary Care Violations between April 28, 2010 and December 30, 2013 by Type<sup>4</sup>**

Issue	Count of Issues Cited	Percent of All Inspection Reports and Warning Letters Citing Issue
Improper or Outdated Medication	455	23%
Eye Problems (Discharge, Cherry Eye, Cloudy Eye, or Similar)	442	22%
Dental Disease or Condition	438	22%
Mats in Fur	386	19%
Failure to Access Vet Care	329	16%
Nails (Too Long or Other Issue)	220	11%
Hair Loss	185	9%
Lameness	173	9%
Skin Problems	135	7%
Ear Problems	99	5%
Total of Inspection Reports and Warning Letters Issued During Sample Period*	2,014	-

\*Note: Many breeders cited for multiple issues in a single Inspection Report or Warning Letter results in >100% total.

<sup>3</sup> Animal Care Resource Guide Policies, Policy #3. "The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate oversight of the facility's care and use of animals. APHIS recommends this visit occur at least annually."

<sup>4</sup> Based on issues cited in inspection reports and warning letters issued to licensed breeders between 4-28-2010 and 12-30-2013 available from the Animal Care Information Service Search Tool at <https://acissearch.aphis.usda.gov> and posted enforcement actions available at <http://www.aphis.usda.gov/wps/portal/enforcementactions>. This time period is estimated to capture a reasonable approximation of the number of licensed commercial breeders operating nationally and the likelihood of violations present at any given time based on an approximation of the time it may take to cycle through inspection of all active licensed commercial dog breeding facilities.

Table 2 shows the estimated number of dogs impacted by breeders who fail to provide adequate veterinary care. We estimate that approximately 102,221 adult dogs currently reside in the care of licensed commercial breeders. Of these, up to 35,017 dogs may be in the custody of breeders who have failed to provide adequate veterinary care, where many dogs could be suffering from multiple ailments. Nearly half of these dogs reside with breeders who have multiple veterinary care violations, further increasing the likelihood that even identified health issues have not been remedied and dogs may consistently be receiving little or no veterinary care for recognized illness or injury. These numbers demonstrate that amending the veterinary care requirements to emphasize preventive care could spare tens of thousands of animals from suffering. Note that, for purposes of this analysis, only the adult dog population, which resides permanently in the care of commercial breeders, has been included. The regular population of puppies dramatically increases the total number of animals suffering in the substandard conditions currently made possible by insufficient veterinary care provisions.

**Table 2: Number of Dogs Impacted by Veterinary Care Violations**

<b>Est. Number of Active Licensed Commercial Dog Breeders<sup>5</sup></b>	<b>Est. Number of Adult Dogs in Care of Active Breeders<sup>6</sup></b>	<b>Est. % of Dog Breeders with <u>1 or More</u> Veterinary Care Violations<sup>7</sup></b>	<b>Est. Number of Adult Dogs in Care of Breeders with <u>1 or More</u> Veterinary Care Violations<sup>5,6</sup></b>	<b>Est. % of Dog Breeders with <u>2 or More</u> Veterinary Care Violations<sup>6</sup></b>	<b>Est. Number of Adult Dogs in Care of Breeders with <u>2 or More</u> Veterinary Care Violations<sup>5,6</sup></b>
1,769	102,221	34%	35,017	15%	15,775

#### The Cost of Care to Welfare Groups

While assigning a dollar amount to the suffering of tens of thousands of dogs is a difficult task, calculating the cost to animal welfare organizations of taking responsibility for the suffering caused by breeders is much simpler. Because conditions and practices at commercial breeding facilities are currently under-regulated (as set forth in the Petition), animal shelters, humane societies, municipal animal care and control agencies, and larger communities must shoulder the costs of rescuing and treating animals removed from inhumane breeding facilities. The failures of the current regulations result in the transfer of these costs from seller to private or municipal animal care agencies or to end buyers without buyer consent. Individuals who buy puppies directly or indirectly from these breeders may abandon or relinquish to shelters puppies that become sick or exhibit significant behavioral problems.<sup>8</sup> Approximately 3.9 million dogs enter animal shelters nationwide every year, and each year approximately 1.2 million dogs are euthanized.<sup>9</sup>

A 2011 Humane Society of the United States (HSUS) study found that animal shelters and rescue groups with which the HSUS worked to help treat and place dogs rescued from inhumane, commercial breeding facilities spent an average of

<sup>5</sup> Based on report generated on May 27, 2015 from APHIS' Animal Care Information System Search Tool. Parameters: Advanced Search; Inspection Report Search; Selected Criteria Items: USDA Certificate Status: Active; Inspection Animal Categories: Dogs; Type of Licensee/Registrant: Breeder.

<sup>6</sup> Based on count of all adult dogs in care of licensed U.S. commercial breeders inspected between May 29, 2012 and May 5, 2015, with duplicate records removed, considered to be an accurate approximation of the total number of dogs in care for purposes of this analysis.

<sup>7</sup> Based on 9 C.F.R. § 2.40 and subcategory violations incurred by licensed breeders during routine inspections and pre-licensing inspections between 6-26-2012 and 5-26-2015, considered to be a reasonable sample for purposes of this analysis. Percentage estimate is based on 606 breeders with one or more reported violations and 273 breeders with more than one reported violation out of an estimated total of 1,769 breeders in operation during this period.

<sup>8</sup> Exhibit C to the Petition contains sample complaints the HSUS has received on this issue.

<sup>9</sup> Am. Soc'y for the Prevention of Cruelty to Animals ("ASPCA"), Pet Statistics, <https://www.aspca.org/about-us/faq/pet-statistics> (last visited Dec. 11, 2014).

\$259 per dog for veterinary expenses as part of the rescue.<sup>10</sup> Table 3 below shows the cost of caring for dogs seized during two ASPCA puppy mill raids. The cost of veterinary care per dog ranged from \$318 to \$624. When added to the cost of sheltering and placing the dogs and the cost of deploying staff to assist in the seizure and care of the animals—a vitally necessary expense given that local animal welfare agencies often do not have sufficient resources to handle the seizure and care of large numbers of animals on their own—the expense to animal welfare organizations comes to between \$1,446 and \$3,894 per animal.

Amending the veterinary care requirements to require thorough and regular hands-on veterinary exams would help prevent many of these problems and would reduce the costs to charitable organizations and taxpayer-funded municipal agencies.

**Table 3: Cost of Care for Animals Rescued from Puppy Mills during Two ASPCA Raids**

Number of Dogs per Case	Cost of Shelter Supplies	Cost of Veterinary Care	Cost of Physical Deployment	Total Expenses	Cost per Animal	Cost per Day	Cost per Animal, per Day
138	\$44,205	\$ 86,044	\$407,154	\$537,403	\$3,894	\$3,583	\$ 26
184	\$31,703	\$ 58,670	\$175,728	\$266,101	\$1,446	\$6,336	\$34

### The Cost to Consumers

As discussed in the Petition, in addition to causing prolonged suffering to dogs in commercial breeding facilities, the inadequate veterinary care made possible by the current insufficient regulatory environment creates costly externalities that members of the public who purchase puppies or dogs from breeders are forced to bear, almost always without their prior knowledge or consent to absorb such costs. Consumers bear additional non-monetary externalities in the form of emotional suffering when the puppies and dogs they have welcomed into their homes as beloved companions become sick or die.

While compiling an exhaustive estimate of the potential costs incurred by consumers to treat common ailments associated with commercially-bred dogs would be extremely difficult given the variety of ailments and corresponding treatments (from medication and supportive care to surgery) and the variability of pricing among veterinary providers, the ASPCA is able to estimate the cost to individual dog owners for some of the most commonly seen hereditary defects in popular dog breeds. In breeds such as Labrador and Golden Retrievers, English Bulldogs, and Rottweilers, all of which are at an increased genetic risk for hip dysplasia, surgery to correct the condition can cost between \$4,400 and \$4,700.<sup>11</sup> In other common breeds, such as English and French Bulldogs, Boxers, and Pugs, a condition called Brachycephalic Airway Obstruction Syndrome (BAOS), which affects the respiratory system, can necessitate surgery ranging in cost between \$500 and \$1,000.<sup>12</sup> Breeds such as Yorkshire Terriers and Miniature or Toy Poodles are at increased risk of medial patellar luxation, for which surgery to correct can range from \$1,200 to \$2,500.<sup>13</sup>

<sup>10</sup> Humane Soc’y, Veterinary Problems in Puppy Mill Dogs (2012), [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/veterinary\\_problems\\_puppy\\_mills.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/veterinary_problems_puppy_mills.pdf).

<sup>11</sup> The Ohio State University Veterinary Medical Center’s Hospital for Companion Animals (<http://vet.osu.edu/vmc/companion/our-services/orthopedic-surgery/fag-total-hip-replacement>).

<sup>12</sup> Price stated for soft palate or stenotic nare resection by private veterinarian for Embrace pet insurance (<http://www.embracepetinsurance.com/health/brachycephalic-syndrome>).

<sup>13</sup> Price range estimated for surgery to correct Medial Patellar Luxation (MPL) by private veterinary provider TopDog Health & Rehabilitation (<http://www.topdoghealth.com/library/orthopedic-surgery/articles-surgery/stifle-mpl/#two>).

Because all of these breeds are listed among the American Kennel Club’s most popular dog breeds in America,<sup>14</sup> incentive for commercial dog breeders to produce them is high. Failure to provide adequate preventive veterinary care and screening of breeding stock in the form of an annual hands-on veterinary exam further increases the risk that these genetic defects will be passed on to future generations of dogs and require treatment by the consumers who purchase them. Other costs likely to be borne by customers of commercial breeders resulting from inadequate preventive care include contagious disease, such as parvovirus or canine distemper, or parasitic infection, such as giardiasis or coccidiosis – both zoonotic diseases transmissible to humans. These can easily cost dog owners hundreds or even thousands of dollars to treat, with no guarantee that dogs will survive, even with treatment.

**Cost of Increased Veterinary Care for Licensed Breeders Has Negligible Impact on Breeders’ Bottom Lines**

Adult breeding dogs are the primary victims of lack of adequate veterinary care and the subject of 9 C.F.R. § 2.40 violations because they have no economic value beyond their ability to produce puppies. For this reason, this analysis estimates the incremental costs of proposed veterinary care improvements based on the number of breeding dogs in the care of licensed breeders. Table 4 below estimates the average number of dogs in the care of a typical commercial breeder and the approximate incremental cost that would be expected based on these proposed regulatory revisions.<sup>15</sup> It is important to note, though, that for those commercial breeders already providing a high standard of care for the dogs in their charge, including an annual physical exam and adequate preventive care, it is entirely possible that no incremental cost at all would be incurred, as they may already be operating well above the standards required by this proposal.

**Table 4: Estimated Incremental Vet Costs**

<b>Incremental Annual Cost of Proposed New Regulations per Breeder</b>	
Est. Number of Active Licensed Commercial Dog Breeders	1,769
Est. Number of Adult Dogs in Care of Active Breeders	102,221
Est. Number of Adult Dogs in Care per Breeder	58
Est. Cost of Hands-on Physical Exam & Add'l. Preventive Care per Adult Dog	\$100
Est. Incremental Annual Cost for Vet Care per Breeder	\$5,800

<sup>14</sup>AKC News “Most Popular Dog Breeds in America,” by Stephen Smith, Feb. 26, 2015 (<http://www.akc.org/news/the-most-popular-dog-breeds-in-america/>).

<sup>15</sup> Based on estimated cost of \$100 per dog for a house-call visit by a private practice veterinarian performing a hands-on physical exam and administering any additional care required per proposed new regulatory language. Assumes small (<25%) discount versus flat retail rates for house-call fees, vaccinations, and medications due to volume of dogs estimated in care of each breeder and associated cost savings of volume-based pricing and all dogs being housed on a single premises.

As shown in Table 5 below, the estimated annual revenues of commercial dog breeders maintaining an average of 58 dogs on their premises<sup>16</sup> more than offset any incremental costs that may be incurred by those not currently providing adequate veterinary care for their dogs. Because maximizing profit is a goal inherent in the operation of a commercial breeding facility, and because only female dogs bear litters that can be sold, we conservatively estimate that breeders maintain a roughly 3:1 ratio of females to males in their operations, or an estimated 44 adult female dogs per breeder. If we assume that each adult female is bred twice per year, with approximately 1.5 of those breedings resulting in a viable litter averaging 6 pups, and that each pup can be sold at wholesale for approximately \$200 or at retail for roughly \$1,200 apiece, the economics of commercial breeding appear quite sound. While litter size and wholesale and retail values may vary, with larger breeds being capable of producing litters of 10 or more pups and retail sale prices for highly desirable breeds ranging \$1,500 to \$3,000 or more apiece, we believe these to be reasonable estimates, and submit that the average commercial breeder will see an insignificant portion of total annual revenue go toward complying with these improved standards of care.

**Table 5: Estimated Revenues per Breeder**

<b>Est. Annual Revenue of Avg. Commercial Dog Breeding Facility</b>	
Est. Number of Adult Female Dogs per Breeder <sup>17</sup>	44
Est. Number of Annual Breedings per Female Dog	2
Est. Number of Viable Litters per Year	1.5
Est. Number of Pups per Litter	6
Est. Sale Price per Pup (Wholesale - Retail)	\$200 - \$1,200
Est. Annual Revenue per Breeder	\$79,200 - \$475,200

**Cost of Veterinary Care Violations to Breeders**

Breeders face significant costs in the form of penalties for veterinary care violations, in part because, as the Petition notes, it is not clear what exactly is required under the current standards. Since many of these violations relate to conditions easily preventable with regular hands-on veterinary care, clearer, enhanced veterinary requirements could result in cost savings to breeders, particularly given that the average penalty amount, per Table 6, below, approximates the estimated incremental vet care cost of \$5,800 per facility previously cited. A review of all stipulation agreements containing veterinary care violations under 9 C.F.R. § 2.40 issued between January 2012 and May 2015 shows an average penalty amount of \$4,764. While it is true that commercial breeders providing a high standard of care for the dogs in their charge will not likely incur any penalties for veterinary violation, it is also likely that they are already providing care

<sup>16</sup> Calculation based on previously cited figures in Table 2: 102,221 dogs/1,769 licensed breeders yields an average of 58 dogs per breeder.

<sup>17</sup> Based on assumption that 75% of dogs in care of commercial breeders are adult females, so 58 total adult dogs \* 0.75 = 44 females.

that meets or exceeds these minimum recommended standards and will therefore bear no additional incremental costs to their operations.

**Table 6: Cost of 9 C.F.R. § 2.40 Stipulation Penalties Issued by APHIS between January 2012 and May 2015**

<b>Summary of Penalties Assessed for Veterinary Care Violations</b>	
Sum of Penalties Issued	\$209,606
Minimum Penalty Issued	\$321
Maximum Penalty Issued	\$37,893
Average Penalty Issued	\$4,764

**Conclusion**

The suffering of breeding dogs, the cost of veterinary treatment and care unfairly imposed on consumers and animal welfare organizations, and the cost of veterinary care penalties to breeders wholly eclipse the relatively minor incremental cost to breeders resulting from the proposed veterinary care regulations recommended in this petition. The prevalence of 9 C.F.R. § 2.40 citations underscores the failure of the currently regulatory scheme to protect dogs. A shift toward regulations that emphasize preventive care will result in cost savings to consumers and welfare groups without substantially affecting breeder revenues. Most importantly, these changes will reduce the suffering of vulnerable dogs. This cost-benefit analysis clearly establishes that the proposed regulatory changes are in the public interest.



Exhibit K

Public Memorandum from ASPCA Regarding  
USDA Commercial Breeder Requirements

TO: Interested Parties  
 CC: ASPCA  
 FROM: Edge Research  
 RE: Research on USDA Requirements for Commercial Dog Breeders  
 DATE: May 15, 2013

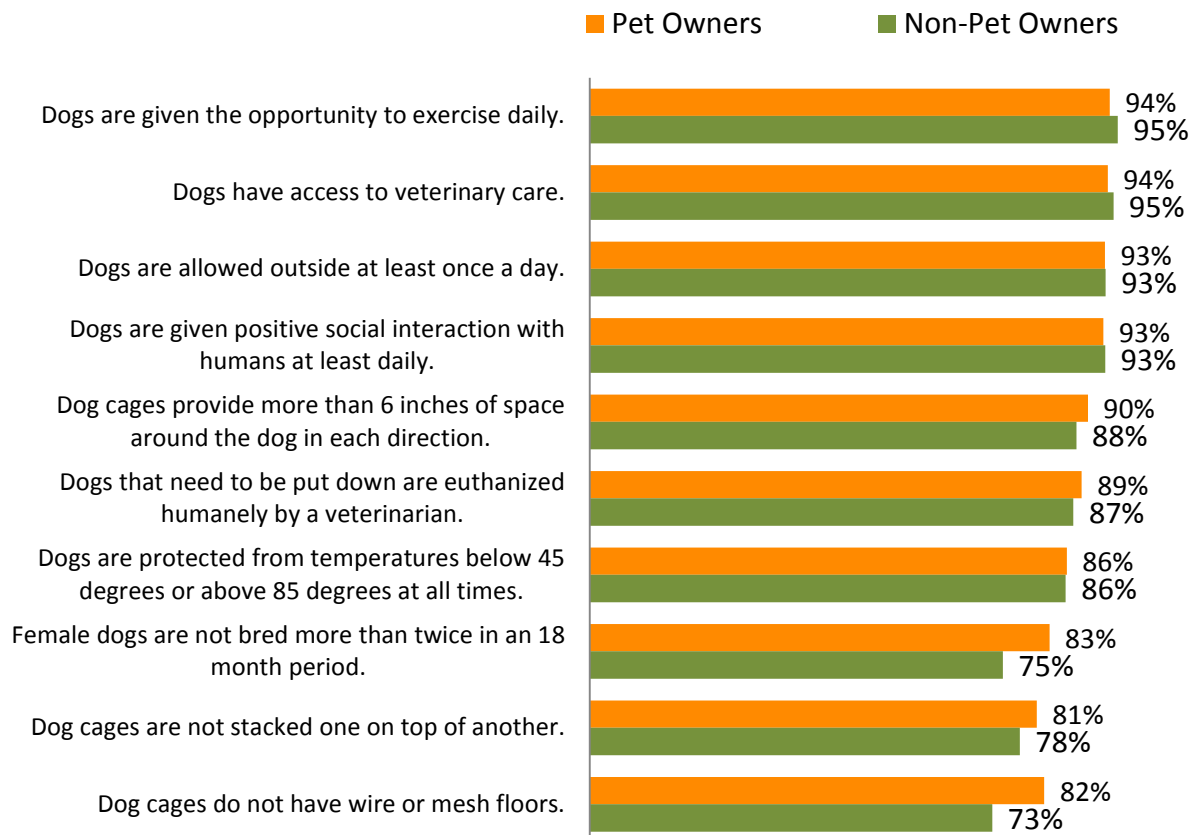
Findings from a recent survey of 1,000 adults nationwide,<sup>i</sup> indicate that Americans have confidence that USDA-licensed commercial dog breeders treat their dogs humanely, but the public’s definition of “humane” treatment differs significantly from existing federal USDA requirements. This disconnect indicates that consumers may take false reassurance from knowledge that a particular breeder is USDA certified.

- **Seventy-one percent (71%) of Americans are confident that commercial dog breeders licensed by the USDA treat their dogs humanely (26% extremely/very confident, 45% somewhat confident).<sup>ii</sup>**
  - Confidence levels are the same for pet owners and non-pet owners (72% and 71%, respectively).
- **However, the public’s definition of humane treatment of dogs in commercial breeding facilities differs in many ways from that of the USDA—majorities felt each tested practice was “absolutely necessary for a breeder to be considered humane”.<sup>iii</sup>**

	% Absolutely Necessary for Humane Treatment	Public Requirement	Current USDA Requirement
Dogs are given the opportunity to exercise daily.	94%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dogs have access to veterinary care.	93%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dogs are allowed outside at least once a day.	90%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dogs are given positive social interaction with humans at least daily.	87%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dog cages provide more than 6 inches of space around the dog in each direction.	86%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dogs that need to be put down are euthanized humanely by a veterinarian.	83%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dogs are protected from temperatures below 45 degrees or above 85 degrees at all times.	75%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Female dogs are not bred more than twice in an 18 month period.	65%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dog cages do not have wire or mesh floors.	63%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dog cages are not stacked one on top of another.	62%	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- Even among those who are extremely/very confident that USDA licensed facilities are humane, majorities believe each practice shown above is necessary for the humane treatment of dogs by a commercial breeder.<sup>iv</sup> This shows a disconnect between what many Americans *think* the USDA requires and what it *actually* requires of commercial dog breeders.
- **In addition, regardless of what they believe is absolutely needed for humane treatment, overwhelming majorities of Americans support implementing each of these requirements.<sup>v</sup>**
  - Both pet owners and non-pet owners support these requirements for USDA licensed dog breeders.

### Support for Making Each a Requirement for USDA Licensed Dog Breeders



In sum, the data reveals that USDA’s current requirements fall far short of the public’s standards and expectations for the humane treatment of dogs at commercial breeders. Americans feel these measures are absolutely necessary for humane treatment and support making them a requirement for all commercial breeders licensed by the USDA.

<sup>i</sup> **Methodology:** Edge Research designed and administered this survey that was conducted via phone between April 1st and 10th, 2013. The sample included 800 respondents that were reached via landline and 200 respondents reached on cell phones. The data are weighted slightly by age and gender to ensure it is representative of the general population nationwide. The margin of error for the total sample is +/- 3.1 percentage points.

<sup>ii</sup> **Question Wording:** If you were told that a commercial dog breeding facility was licensed by the United States Department of Agriculture or U-S-D-A, how confident would you be that the dogs at that particular breeding facility are treated humanely? Would

you be extremely confident, very confident, somewhat confident, not too confident, or not confident at all that the dogs are treated humanely?

<sup>iii</sup> **Question Wording:** Now I'm going to read you a list of practices that commercial dog breeders might use. For each, please tell me whether that practice is absolutely necessary for a breeder to be considered humane, whether it is something that is nice to do but NOT necessary for a breeder to be humane, or if it's not really necessary at all.

<sup>iv</sup> **Absolutely Necessary among the Very/Extremely Confident in USDA:**

- 98%- Dogs have access to veterinary care.
- 96%- Dogs are given the opportunity to exercise daily.
- 95%- Dogs are allowed outside at least once a day.
- 94%- Dog cages provide more than 6 inches of space around the dog in each direction.
- 93%- Dogs are given positive social interaction with humans at least daily.
- 90%- Dogs that need to be put down are euthanized humanely by a veterinarian.
- 86%- Dogs are protected from temperatures below 45 degrees or above 85 degrees at all times.
- 81%- Female dogs are not bred more than twice in an 18 month period.
- 80%- Dog cages do not have wire or mesh floors.
- 78%- Dog cages are not stacked one on top of another.

<sup>v</sup> **Question Wording:** Now I'm going to read you that same list of practices for commercial dog breeders. Regardless of whether or not you feel it is required for humane treatment of the dogs, please tell me if you strongly support, somewhat support, neither support nor oppose, somewhat oppose, or strongly oppose making that a requirement for all U-S-D-A licensed dog breeders.



22 April 2019

Kitsap County Board of Commissioners  
614 Division St.  
Port Orchard, WA 98366

**Re: Support for retail pet sales restrictions**

Honorable Commissioners Gelder, Garrido and Wolfe:

On behalf of Best Friends Animal Society and our Washington members, I am pleased to offer support for an ordinance to restrict the retail sales of dogs and cats in Kitsap County. We encourage you to join Bremerton, Poulsbo, Bainbridge Island and more than 300 other municipalities that have enacted legislation to prohibit pet stores from selling commercially bred pets, unless the pets are sourced from shelters or rescue groups.

Puppy and kitten mills are a serious problem in the U.S. These facilities, which supply nearly 100% of retail pet stores and online retailers, are cruel and inhumane breeding factories in which profit takes priority over the health, comfort and welfare of the animals.

Although the USDA regulates many of these breeders, the minimum federal standards do not ensure a humane life for animals. These types of kennels can legally have more than a thousand dogs in one facility, and those dogs are allowed to be confined to very small cages for their entire lives, breeding continuously in order to produce as many puppies as possible for the pet trade. And USDA inspection reports show that many USDA-licensed breeders continue to sell animals to local pet stores even after being cited for serious violations at their facilities. In other words, having a USDA license does **not** ensure responsible breeding.

Further, with the USDA no longer making inspection reports available to the public, there is no way for pet stores or consumers to know if the puppies for sale have come from breeding facilities with serious violations of the Animal Welfare Act. Therefore, the idea that pet stores are sourcing from federally regulated breeders doesn't carry much weight. It doesn't protect consumers or animals.

Pet stores rely on high-volume commercial pet mills and their distributors to supply their stores because reputable breeders won't sell to pet stores for two simple reasons: it's not financially viable and they don't sell to third parties. And this pledge never to sell a puppy to a pet store can be found in every reputable breeder's code of ethics, including virtually all of the parent breed clubs of the American Kennel Club.

Because the goal is to make a profit, pet mill owners cut all possible corners to keep their overhead low, at the expense of the health and well-being of their animals. For the unsuspecting consumer, this frequently results in the purchase of a pet facing an array of immediate veterinary problems or harboring genetic diseases that surface down the line. This creates a financial burden on the consumer and results in many of these animals being surrendered to overcrowded, taxpayer-subsidized shelters. Thus, this is not just an animal welfare issue but a consumer protection concern.



Responsible breeders do not sell their animals in this manner. On the contrary, they encourage potential buyers to visit the home where the animals were bred, they conduct an interview to be sure the match is the best one for both the buyer and the animal, and they require a contract that requires the buyer to provide good care, to spay and neuter the animal, and to return him/her to the breeder if things don't work out. These sensible provisions do not apply when animals are sold through pet stores.

Also concerning is the fact that 17 states have been hit by an outbreak of a strain of bacteria (Campylobacter) that is linked to pet shop puppies, which is resistant to antibiotics and contagious to humans. Kitsap County residents should not be exposed to this serious public health threat.

Those who benefit most from companion animal sales in pet stores are the retailers themselves. While they may profit from the practice of buying these pets at a low price from commercial brokers and then selling them at a high price (typically without first spaying or neutering them), it is the taxpaying public who pays for animal control to house and kill unwanted animals in the community.

It makes little sense to continue manufacturing dogs and cats when so many are being killed for lack of space. Public education has been effective, but until communities take the initiative to limit the supply of pets being imported from substandard commercial facilities, there can be no hope of preventing these unnecessary deaths.

Pet stores supplied by mills can choose to be part of the solution rather than the problem by phasing out the sale of commercially bred pets in favor of other common revenue streams such as pet product sales, grooming and day care, and by offering space for animal rescue organizations to adopt out animals from those stores.

Pet stores that have transitioned from selling commercially milled pets to offering rescued pets for adoption have found this animal-friendly model to be both viable and embraced by the communities in which the stores are located. Therefore, a restriction on the retail sale of pets would not preclude pet stores from doing business, and **it would not prevent anyone from purchasing a pet directly from a private breeder.**

Best Friends and our Washington members thank you in advance for taking a compassionate, common sense initiative to protect pets and consumers, and for setting a positive example for the rest of the country to follow. We have been proud to work with the majority of municipalities throughout Washington and beyond that have enacted similar legislation, and we would be pleased to help Kitsap County do the same.

Thank you for your consideration of this important reform.

Respectfully,

**Elizabeth Oreck**

National Manager, Puppy Mill Initiatives  
Best Friends Animal Society  
[bestfriends.org/pupppymills](http://bestfriends.org/pupppymills)  
[elizabetho@bestfriends.org](mailto:elizabetho@bestfriends.org)



## AKC Breeder Code of Ethics re: Pet Store Puppies

If one visits the website of the American Kennel Club (AKC), one of the oldest and most respected breed club registries in the world, one can access the Breeder Code of Ethics on any of the websites listed in their national parent club directory for AKC-recognized breeds.\* One of the most common provisos is that **breeders must agree never to sell their puppies to pet stores.**

Below are several examples.

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### **Airedale Terrier Club of America (airedale.org)**

Code of Ethics: *In sale/placement transactions, we endeavor to refuse to sell an Airedale Terrier of any age to pet dealers, catalog houses, or any other commercial sources of distribution.*

### **Alaskan Malamute Club of America, Inc. (alaskanmalamute.org)**

Code of Ethics: *No member shall knowingly be involved in the sale/placement of puppies/dogs through retail or wholesale outlets, mail order businesses, dog dealers/agents/brokers, or act as a finder for such operations.*

### **American Bloodhound Club (bloodhounds.org)**

Code of Ethics: *As a member of the American Bloodhound Club: I agree not to engage in the practice of providing any Bloodhound to any individual, commercial wholesaler, or retailer for the purpose of resale.*

### **American Cavalier King Charles Spaniel Club, Inc. (ackcsc.org)**

General Code of Conduct: *I will not: 1. Knowingly falsify a pedigree, health screening or breeding information. 2. Sell Cavaliers to pet shops, brokers or third party dealers. 3. Supply or sell Cavaliers for auctions, raffles, flea markets or any other such enterprise. 4. Knowingly sell to unethical breeders, or sell to persons whose intention is resale. 5. Purchase any Cavalier or any litter for resale either to an individual or a commercial establishment.*

### **American Fox Terrier Club (aftc.org)**

Code of Ethics: *Under no condition shall dogs be sold to pet dealers or any other source of commercial distribution.*

**American Whippet Club, Inc.**  
**(americanwhippetclub.net)**

Code of Ethics: *No member of this club shall engage in the wholesaling of litters of Whippet puppies, or the sale of breeding stock or individuals to pet shops or other commercial sources of distribution.*

**Basset Hound Club of America**  
**(basset-bhca.com)**

Breeder Code of Ethical Conduct: *No member of this club shall engage in the wholesaling of litters or the selling of breeding stock to commercial sales operations.*

**American Maltese Association, Inc.**  
**(americanmaltese.org)**

Member Code of Ethics: *I will not knowingly deal with dog wholesalers, commercial retailers, brokers or unethical dog breeders, nor supply dogs for raffles, "give away" prizes or other such projects.*

**American Miniature Schnauzer Club, Inc.**  
**(amsc.us)**

Code of Ethics: *The breeder will not sell or dispose of any dog through pet shops, wholesalers, commercial dealers or paid agents.*

**American Pomeranian Club, Inc.**  
**(americanpomeranianclub.org)**

Code of Ethics: *I will not sell my puppies to pet shops or commercial pet mill establishments, nor will I donate puppies for raffles or auctions.*

**American Spaniel Club, Inc.**  
**(asc-cockerspaniel.org)**

Code of Ethics: *Breeders shall refrain from selling puppies to pet shops either outright or on consignment; refrain from supplying puppies for auctions, raffles, or other such enterprises; refrain from selling to persons whose intention to resell is known or suspected; refrain from breeding litters primarily for the pet market.*

**Australian Cattle Dog Club of America**  
**(acdca.org)**

Breeder Code of Ethics: *As an ACDCA Code of Ethics Breeder, I agree that no puppies will be knowingly sold to franchised commercial facilities, puppy brokers, puppy mills or agents thereof.*

**Boston Terrier Club of America, Inc.**  
**(bostonterrierclubofamerica.org)**

Code of Ethics: *I will sell no Boston Terrier to a commercial facility, puppy broker, pet shop, puppy mill or their agent.*

**Bulldog Club of America**  
**(bulldogclubofamerica.org)**

Breeder's Code of Ethics: *Responsible breeders refuse to sell or recommend breeders who do not conform to the ideals and obligations expressed in this Code and shall not engage in wholesaling litters or in individual sales or consignments of pups or adults to pet shops, dealers, catalog houses or other commercial establishments, nor shall they be donated or given as prizes in contests, raffles, or fund-raising events, no matter how charitable.*



**Chihuahua Club of America, Inc.**  
**(chihuahuclubofamerica.com)**

Code of Ethics: *I pledge to be responsible for all Chihuahuas that I have produced for their entire lifetime by never buying, selling or trading my/our Chihuahuas to research laboratories, pet stores, or to auctions nor placing them in rescue groups.*

**Chinese Shar-Pei Club of America, Inc.**  
**(cspca.com)**

Breeders Code of Conduct: *I agree to never sell or give any puppy or dog to pet stores either on consignment or outright.*

**Collie Club of America, Inc.**  
**(collieclubofamerica.org)**

Code of Ethics: *No member shall knowingly sell or place, trade or give any Collie of any age to pet dealers, catalog houses, or other commercial sources; nor shall Collies be given as prizes, auctioned, or exploited to the detriment of the breed.*

**Dachshund Club of America, Inc.**  
**(dachshund-dca.org)**

Code of Ethics: *To never supply a Dachshund to pet shops, commercial brokers or dealers, raffles or similar projects.*

**Dalmatian Club of America, Inc.**  
**(thedca.org)**

Ethical Guidelines: *I hereby pledge to ensure that puppies and adults produced by my brood bitch or stud dog are never knowingly sold or consigned to pet stores, wholesalers, or commercial dealers.*

**French Bull Dog Club of America**  
**(frenchbulldogclub.org)**

Code of Ethics and Sportsmanship: *As a member of the French Bull Dog Club of America, I will not sell a French Bulldog to any commercial facility, puppy brokers, pet shop, puppy mill or agent thereof.*

**German Shepherd Dog Club of America**  
**(gsdca.org)**

Club Code of Conduct: *No GSD will be sold to wholesalers or retail stores for the purpose of resale.*  
Breeders Code: *I hereby pledge to refuse to sell or recommend breeders who do not conform to the ideals and obligations expressed in this Code and refuse all sales to dog wholesalers and retailers.*

**Golden Retriever Club of America**  
**(grca.org)**

Responsibilities as a Breeder: *Members should not sell dogs at auction, or to brokers or commercial dealers.*

**Greyhound Club of America**  
**(greyhoundclubofamericainc.org)**

Ethical Standards: *Breeders shall not knowingly sell or consign puppies or adult dogs to pet stores, puppy brokers or other commercial dealers.*

**Havanese Club of America**  
**(havanese.org)**

Code of Ethics: *No Havanese will be sold to pet dealers, pet stores, pet wholesalers, or pet brokers either singly or in litter lots.*

**Miniature Pinscher Club of America, Inc.**

**(minpin.org)**

Code of Ethics: *No Miniature Pinscher shall be sold to commercial facilities; research laboratories; pet shops; brokers who purchase litter lots or individuals for re-sale to pet shops or other commercial facilities, puppy mills or their agents.*

**Newfoundland Club of America, Inc.**

**(ncanewfs.org)**

Ethics Guide: *Responsibilities of Members: To refuse to sell Newfoundland dogs to any pet shop, or any wholesale dealer in dogs, or knowingly to sell or aid or abet the sale of any Newfoundland to a person or agent who will sell the animal through a pet shop.*

**Old English Sheepdog Club of America, Inc.**

**(oldenglishsheepdogclubofamerica.org)**

Code of Ethics: *Puppies may not be sold from any temporary marketplace or transient headquarters, no litters purchased or taken on consignment for resale, nor dogs wholesaled to pet shops, auctions, dealers, contest sponsors, raffles, etc.*

**Papillon Club of America, Inc.**

**(papillonclub.org)**

Code of Ethics: *No member of the Papillon Club of America will sell at wholesale or to retail outlets, brokers, pet shops, mail order houses, or businesses of similar commercial enterprise, or donate a dog to be offered as a prize.*

**Portugese Water Dog Club of America, Inc.**

**(pwdca.org)**

Section 1 All PWDCA Members shall: *Not sell, place or consign any Portuguese Water Dog to a commercial facility, business or agent thereof.*

**Pug Dog Club of America, Inc.**

**(pugs.org)**

Code of Ethics: *No member shall EVER sell or donate dogs for auctions or raffles, or to pet shops, catalog houses, brokers or for resale purposes.*

**Rhodesian Ridgeback Club of the United States**

**(rrcus.org)**

Code of Ethics: *Members will not knowingly furnish puppies or adult dogs for wholesale, pet shops, puppy brokers, commercial facilities, guard dog businesses or agents thereof, or dispose of them as "Give away" prizes or auction items; neither will they sell puppies to nor breed to dogs owned by those whom they have reason to believe may do so.*

**Samoyed Club of America, Inc.**

**(samoyedclubofamerica.org)**

Code of Ethics: *The SCA member does not sell, consign, or transfer puppies, or adults to pet shops, wholesale dealers, contest sponsors, or anyone who is known to degrade the Samoyed breed or purebred dogs, or to individuals contemplating breeding and/or sale to the aforementioned.*

**Scottish Terrier Club of America**

**(stca.biz)**

Code of Ethics: *Not knowingly sell a Scottish Terrier of any age to a pet shop, catalog house, laboratory or any wholesale dealer in dogs (a dealer being a person who regularly buys dogs for sale at profit), or to any person who sells to any of the above.*

**Siberian Husky Club of America, Inc.**

**(shca.org)**

Code of Ethics: *I pledge that I will refuse to deal with dog wholesalers or to sell puppies or dogs to pet shops, and I will include in all stud contracts an agreement to be signed by the owner of the bitch that no puppies resulting from the mating will be wholesaled or sold to pet shops.*

**Skye Terrier Club of America**

**(clubs.akc.org/skye)**

Code of Ethics: *To refrain from knowingly selling, trading, or giving Skye Terriers or providing stud service to a commercial breeder, pet shop, research laboratory or any person known to be unethical in his/her dealings in purebred dogs.*

**Spinone Club of America**

**(spinoneclubofamerica.com)**

Code of Conduct: *Members will not sell, transfer or consign a dog to pet shops, unethical breeders, or other commercial ventures including lotteries, raffles or auctions.*

**Staffordshire Bull Terrier Club of America**

**(sbtca.com)**

Code of Ethics: *Litters shall not be sold to a person en-bloc, to commercial sources, or for purposes of resale.*

**St. Bernard Club of America, Inc.**

**(saintbernardclub.org)**

Guidelines and Statement of Policy: *No member shall buy or sell St. Bernards through commercial pet outlets, nor buy or sell in litter lots, nor sell to persons whose activities tend to degrade the Breed.*

**Tibetan Terrier Club of America, Inc.**

**(ttca-online.org)**

Guidelines for Responsible Breeders: *A responsible breeder does not sell or consign Tibetan Terriers to pet shops or other commercial dealers, nor does he breed his animals to their animals.*

**Weimaraner Club of America**

**(weimaranerclubofamerica.org)**

Code of Ethics: *The owner/breeder shall not breed, sell or consign puppies or adults to pet shops or other commercial dealers.*

\* <http://www.akc.org/clubs/search/index.cfm?action=national&display=on>



# Executive Summary: Scientific studies of dogs and puppies from commercial dog-breeding establishments (puppy mills)

## BACKGROUND

Commercial breeding establishments, or puppy mills, are large-scale facilities where dogs are confined in small enclosures for their entire reproductive lives with little to no exercise or positive human contact. The sole purpose of such facilities is to mass-produce puppies to sell them for profit through retail pet stores and via the Internet.

## SYNOPSIS

In two large-scale studies of dogs from high-volume commercial breeding establishments (one study focusing on the adult breeding dogs and the other on the puppies sold through pet stores), the evidence showed conclusively that these breeding facilities are highly injurious to both groups of dogs, resulting in severe, extensive and long-term harm to the behavioral and psychological well-being of the dogs.

## Study 1: The adult breeding dogs

### WHAT THE STUDY LOOKED AT

This study compared a wide array of psychological and behavioral characteristics of 1,169 dogs formerly kept for breeding purposes in commercial breeding establishments with pet dogs owned by members of the general public.

### RESEARCHERS

Franklin D. McMillan, DVM, Best Friends Animal Society

Deborah L. Duffy, PhD, University of Pennsylvania School of Veterinary Medicine

James A. Serpell, PhD, University of Pennsylvania School of Veterinary Medicine

### THE PUBLISHED PAPER

Mental health of dogs formerly used as 'breeding stock' in commercial breeding establishments. FD McMillan, DL Duffy, JA Serpell. *Applied Animal Behaviour Science* 2011; 135: 86-94.

### WHAT THE STUDY FOUND

- The results showed a broad range of abnormal behavioral and psychological characteristics in the former breeding dogs from large-scale commercial breeding establishments, including significantly elevated levels of fears and phobias; pronounced compulsive and repetitive behaviors, such as spinning in tight circles and pacing; house soiling; and a heightened sensitivity to being touched and picked up.
- The psychological harm demonstrated in these dogs is severe and long-lasting. Much of the harm is irreparable and will remain a continued source of suffering for years after the dogs leave the breeding facility, in some cases for the entire lifetime of the dog.

## CONCLUSIONS

- Current laws at both the national and state levels are not based on current scientific knowledge of animal psychology, quality of life, suffering, and welfare, and are thus inadequate to protect dogs from the psychological harm resulting from living in commercial breeding establishments.
- Legislation to adequately protect the welfare of dogs in confinement needs to be updated to reflect current scientific knowledge.

To obtain a copy of the published study, contact Dr. Frank McMillan ([dr.frank@bestfriends.org](mailto:dr.frank@bestfriends.org)).

## Study 2: The puppies

### WHAT THE STUDY LOOKED AT

This study compared the psychological and behavioral characteristics of 431 adult dogs who were purchased as puppies from pet stores with adult dogs purchased as puppies from small-scale, private breeders.

### RESEARCHERS

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### THE PUBLISHED PAPER

Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders. FD McMillan, JA Serpell, DL Duffy, E Masaoud, IR Dohoo. *Journal of the American Veterinary Medical Association* 2013; 242: 1359-1363.

### WHAT THE STUDY FOUND

- Dogs obtained as puppies from pet stores received significantly less favorable scores than breeder-obtained dogs on most behavioral variables measured. Compared with dogs obtained as puppies from noncommercial breeders, dogs from pet stores had significantly greater aggression toward human family members, unfamiliar people and other dogs; greater fear of other dogs and typical life events; and greater separation-related problems and house soiling.
- For no behavior evaluated in the study did pet store dogs score more favorably than noncommercial breeder dogs.
- The chances of a dog developing serious behavior problems is much higher for dogs purchased as puppies from pet stores, as compared to dogs obtained from small, noncommercial breeders.

## CONCLUSIONS

- On the basis of these findings, combined with findings from earlier small-scale studies of dogs obtained from pet stores, until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, the authors of this study withhold any recommendation that puppies be obtained from pet stores.

- Dogs sold by pet stores are misrepresented to consumers as a high-quality product, because the data now shows that consumers are not receiving what they believe they are paying for. The increased risk of behavior problems that pet store customers face as their dog matures includes aggression issues, which pose a significant risk of human injury. Consumer protective legislation is urgently needed in this area.
- Legislation to improve the conditions in the large-scale commercial breeding facilities supplying puppies to pet stores is needed to assure that the puppies are not at any increased risk of maturing into adult dogs with serious behavior problems.

To obtain a copy of the published study, contact Dr. Frank McMillan ([dr.frank@bestfriends.org](mailto:dr.frank@bestfriends.org)).

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## Overall Conclusions

- Current laws provide inadequate protection against harm to breeding dogs and puppies associated with commercial breeding establishments.
- Consumers purchasing puppies from pet stores are unknowingly assuming a risk of difficult and serious behavior problems in their dogs, including dog behavior that can endanger their own safety.
- If dogs are to be bred to produce puppies for sale, all of the dogs and puppies should be assured a decent quality of life based on the most current scientific research.

## For More Information

For more about Best Friends Animal Society, go to [bestfriends.org](http://bestfriends.org). To learn about Best Friends' puppy mill initiatives and what you can do to help, visit [puppermills.bestfriends.org](http://puppermills.bestfriends.org).

# Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders

Franklin D. McMillan, DVM, DACVIM; James A. Serpell, PhD;  
Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD

**Objective**—To compare the owner-reported prevalence of behavioral characteristics in dogs obtained as puppies from pet stores with that of dogs obtained as puppies from noncommercial breeders.

**Design**—Cross-sectional study.

**Animals**—Dogs obtained as puppies from pet stores (n = 413) and breeder-obtained dogs (5,657).

**Procedures**—Behavioral evaluations were obtained from a large convenience sample of current dog owners with the online version of the Canine Behavioral Assessment and Research Questionnaire, which uses ordinal scales to rate either the intensity or frequency of the dogs' behavior. Hierarchic linear and logistic regression models were used to analyze the effects of source of acquisition on behavioral outcomes when various confounding and intervening variables were controlled for.

**Results**—Pet store-derived dogs received significantly less favorable scores than did breeder-obtained dogs on 12 of 14 of the behavioral variables measured; pet store dogs did not score more favorably than breeder dogs in any behavioral category. Compared with dogs obtained as puppies from noncommercial breeders, dogs obtained as puppies from pet stores had significantly greater aggression toward human family members, unfamiliar people, and other dogs; greater fear of other dogs and nonsocial stimuli; and greater separation-related problems and house soiling.

**Conclusions and Clinical Relevance**—Obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics. Until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, the authors cannot recommend that puppies be obtained from pet stores. (*J Am Vet Med Assoc* 2013;242:1359–1363)

It has long been an article of faith among veterinarians and canine professionals that dogs obtained as puppies from pet stores have a higher prevalence of health and behavioral problems.<sup>1</sup> However, there has been a dearth of empirical studies to support this notion. In a retrospective survey of the owners of 737 adult dogs, Jagoe<sup>a</sup> found that dogs obtained from pet shops had a significantly higher prevalence of owner-directed (dominance-type) aggression and social fears (fear of strangers, children, and unfamiliar dogs) than did dogs from 5 other sources: breeders, animal shelters, friends or relatives, found or rescued off the streets, and home bred (ie, bred and reared in the current owner's home).<sup>2</sup> However, the sample size of pet store dogs in that study<sup>a</sup> was small (n = 20).

Bennett and Rohlf<sup>3</sup> investigated the frequency of potential problematic behavior patterns as reported

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## ABBREVIATIONS

C-BARQ	Canine Behavioral Assessment and Research Questionnaire
CBE	Commercial breeding establishment
NCB	Noncommercial breeder

by owners in a convenience sample of 413 companion dogs, of which 47 were obtained from pet stores. Results indicated that dogs purchased from pet shops or shelters were considered by their owners to be more unfriendly or aggressive than were dogs purchased from breeders and significantly more nervous than dogs bred by the present owner. However, by using broadly defined behavioral subscales rather than discrete behaviors, the researchers were not able to ascertain whether pet shop dogs had specific problematic behaviors more frequently than did dogs from other sources.

Mugford<sup>4</sup> reported analyzing a sample of 1,864 dogs with various behavioral problems and determined that “only 10% of purebred dogs obtained directly from breeders presented separation-related problems, whereas 55% of purebred dogs originating from so-called ‘puppy farms’ or ‘puppy mills’ present such problems.” Sample sizes and the way in which it was determined

that the dogs came from puppy farms or puppy mills were not reported.

Some inconsistent findings have also been reported. Pierantoni et al<sup>5</sup> compared owner-reported behaviors between 70 adult dogs separated from their litters at 30 to 40 days of age and 70 adult dogs separated from their litters at 2 months of age. Their analysis included the source of the dog classified into 3 categories: breeder, pet shop, or friend or relative. The researchers found no significant association between the source of the dog and the behavioral categories examined. In a study of the efficacy of a dog-appeasing pheromone in reducing stress associated with social isolation in puppies recently acquired from pet stores, Gaultier et al<sup>6</sup> noted that their data did not seem to support the hypothesis that puppies from pet stores constitute a special, at-risk population for the development of behavioral problems. The researchers reported that the puppies in that study<sup>6</sup> ( $n = 66$ ) did not appear to disturb their owners any more than those in a previous study by Taylor and Mills<sup>7</sup> involving puppies acquired from local pedigree dog breeders. However, the breeders in the latter study<sup>7</sup> included a semicommercial breeder and at least 1 puppy mill.<sup>b</sup>

Most puppies sold by pet stores in the United States are purchased from brokers, who may themselves be breeders but overwhelmingly acquire their puppies from high-volume breeding facilities, or CBEs, located throughout the United States.<sup>8</sup> Conditions in the CBEs, which supply tens of thousands of puppies to retail pet stores each year, vary widely. Conditions in CBEs range from modern, clean, and well-kept to squalid, noxious, and gravely detrimental to animal health and welfare.<sup>9-11</sup>

The purpose of the study reported here was to evaluate the hypothesis that dogs obtained as puppies from pet stores would be reported to have an increased prevalence of behavioral problems, compared with dogs obtained as puppies from NCBs.

## Materials and Methods

**Data collection**—Behavioral evaluations of the dogs were obtained by use of the online version of the C-BARQ, a standardized survey instrument with established reliability and validity characteristics.<sup>12</sup> The C-BARQ is designed to provide quantitative assessments of a wide array of behavioral characteristics of dogs and has been widely used as a research tool for comparing behavior in different dog populations.<sup>13-15</sup> The questionnaire consists of 100 items that ask respondents to indicate on a series of 5-point ordinal rating scales their dogs' typical responses to a variety of everyday situations during the recent past. The scales rate either the intensity (aggression, fear, and excitability subscales) or frequency (all remaining subscales and miscellaneous items) of the behaviors, with a score of 0 indicating the absence of the behavior and a score of 4 indicating the most intense or frequent form of the behavior. The C-BARQ currently comprises 14 behavioral factors or subscales and a further 22 miscellaneous stand-alone items. Higher scores are generally less favorable for all items and subscales, with the exception of trainability, for which higher scores are more desirable. Owners were also asked to indicate

the dog's current age at the time the survey was completed, whether there were other dogs living in the same household, and whether the dog was used for specific working or recreational roles, including breeding or showing, field trials or hunting, other sports (eg, agility, racing, or sledding), and working roles (eg, search and rescue, service, or sheep herding). To obtain information on the source from which the dog was acquired, owners were also asked to respond to the question, "where did you acquire this dog?" Possible responses included the following: bred him/her myself; from a breeder; from a shelter or rescue group; from a neighbor, friend, or relative; bought from a pet store; adopted as a stray; and other. Consistent with the 2 previous studies<sup>3,a</sup> that offered pet-owning participants the choice of breeder as the source of the dog, the question in the C-BARQ regarding the source of the dog does not define the term breeder.

**Sample**—The online C-BARQ was advertised originally via an article in the newsmagazine of the Veterinary Hospital of the University of Pennsylvania and by notices sent to Philadelphia-area veterinary clinics and the top 20 US breed clubs, as determined on the basis of American Kennel Club registrations. Availability of the survey then spread via word of mouth. No geographic limitations were applied, and participation included residents of the United States as well as other countries. A subset of these data consisting entirely of pet dogs whose owners reported obtaining them either from breeders ( $n = 5,657$ ) or pet stores (413) was used for analysis. Breeder-obtained dogs were selected as the comparison group for the following reasons: age at the time of acquisition would most closely match pet store-obtained dogs; for the most part, breeder-obtained dogs are purebred as are those from pet stores; and the life history of the dog prior to purchase in breeder-obtained puppies is relatively standardized, thereby reducing the amount of environmental variability among the dogs of this group. These assumptions apply to the United States and may have less validity in other countries.

**Statistical analysis**—Two-level hierarchic linear or logistic regression models were used to analyze the data on behavioral measures.<sup>16</sup> The outcome variables (attachment and attention seeking, chasing, trainability, excitability, and energy) in the hierarchic linear model were treated as normally distributed continuous variables. All other behavioral variables were dichotomized (eg, 0 or > 0) because they were typically highly skewed and it was impossible to identify a suitable transformation method to normalize their distribution. These were analyzed with 2-level mixed logistic models. Both types of model aimed to assess the relationship between source of acquisition (eg, pet store vs breeder) and behavior while controlling for various confounding variables (other dogs in household, working or recreational roles, sex, and body weight) or intervening variables (neutered vs sexually intact and age at the time of evaluation). All possible 2-way interactions between source of acquisition and confounding and intervening variables were explored and accounted for in the modeling process. Nonsignificant confounding and intervening variables and interaction effects were removed from the



model. Breed was also included in both models as a random effect to account for clustering of dogs at the breed level. Linear and logistic models were fit via restricted and full maximum likelihood estimation procedures. The analysis was performed with statistical software<sup>17</sup> by use of subject-specific models.<sup>c,d</sup> For all comparisons, a value of  $P < 0.05$  was considered significant.

## Results

According to the results of the multiple regression analyses, dogs acquired from pet stores differed significantly from those acquired from breeders on 12 of 14 of the C-BARQ behavioral subscales. In no category did pet store dogs have a more desirable score than breeder dogs (Tables 1 and 2). The strongest effects were observed in relation to aggressive behavior. For example, sexually intact pet store dogs were 3 times as likely to have owner-directed aggression as were sexually intact dogs acquired from breeders, and pet store dogs were nearly twice as likely to have aggression toward unfamiliar dogs (dog-directed aggression). Pet store dogs were also 30% to 60% more likely to have stranger-directed aggression, aggression to other household dogs, fear of dogs

and nonsocial stimuli, separation-related problems, and touch sensitivity. In addition, they were somewhat more excitable, energetic, and attention seeking and generally less trainable, although this was only true for dogs that did not participate in working or recreational activities. The only C-BARQ subscales that were not significantly different between pet store and breeder-derived dogs were chasing and stranger-directed fear. In addition, pet store–obtained dogs had a range of miscellaneous behavioral problems at significantly higher frequencies than did those acquired from breeders (eg, escaping from the home, sexual mounting of people and objects, and most forms of house-soiling).

## Discussion

Results of this study supported the view that dogs obtained as puppies from pet stores are more likely to develop behavioral problems as adults, compared with dogs obtained from NCBs. The retrospective nature of the data used in this analysis did not permit determinations of causality. However, there are several potential explanations for the differences between pet store and NCB dogs.

Table 1—Results of linear regression models comparing behavioral variables in dogs obtained from pet stores versus dogs obtained from NCBs.

Variable	Other variables controlled	Predictor	Effect	95% CI	P value
Excitability	1,2,3,4,6	PS	0.204	0.12 to 0.29	< 0.001
Energy	1,2,3,4,6	PS	0.109	0.004 to 0.21	0.043
Chasing		PS	0.002	-0.13 to 0.10	0.769
Attachment and attention seeking	1,2,3,4,5,6	PS	0.204	0.12 to 0.29	< 0.001
Trainability	1,2,3,4,5,6	PS–Not working dog	-0.195	-0.26 to -0.13	< 0.001
		PS–Working dog	0.098	-0.07 to 0.27	0.262

PS = Acquired from pet store.  
Other variables controlled were as follows: 1 = other dogs, 2 = dogs with working or recreational roles, 3 = sex, 4 = weight, 5 = neutered, 6 = age at time of evaluation (nonsignificant intervening variables [those variables that intervene the relationship between variable and predictor] were removed from the analyses).

Table 2—Results of logistic regression models comparing behavioral variables in dogs obtained from pet stores versus dogs obtained from NCBs.

Variable	Other variables controlled	Predictor	OR	95% CI	P value
Separation-related behavior	1,2,3,4,5,6	PS	1.58	1.19–2.11	0.002
Owner-directed aggression	1,2,3,4,5,6	PS–Not neutered	3.13	1.87–5.23	< 0.001
		PS–Neutered	1.54	1.16–2.06	0.003
Stranger-directed aggression	1,2,3,4,5,6	PS	1.59	1.18–2.16	0.003
Nonsocial fear	1,2,3,4,5	PS	1.44	1.01–2.07	0.047
Dog rivalry	1,2,3,4,6	PS	1.35	1.05–1.74	0.021
Dog-directed fear	1,2,3,4,5	PS	1.33	1.03–1.71	0.030
Dog-directed aggression	1,2,3,4,5,6	PS	1.96	1.44–2.67	< 0.001
Touch sensitivity	1,2,3,4,5,6	PS	1.58	1.18–2.11	0.002
Escapes from home or yard	1,2,3,4,5,6	PS	4.14	1.75–9.83	0.001
Rolls in odorous material		PS	0.86	0.67–1.09	0.214
Coprophagia			1.08	0.86–1.36	0.502
Chews objects			1.07	0.84–1.36	0.590
Mounts objects or people	1,2,3,4,5		1.39	1.1–1.75	0.006
Urinating against objects or furnishings	1,2,3,4,5,6	PS	1.77	1.32–2.39	< 0.001
Submissive urination	1,2,3,4,5,6	PS	1.53	1.13–2.07	0.007
Urinating when left alone	1,2,3,4,5,6	PS	1.96	1.52–2.52	< 0.001
Defecates when left alone	1,2,3,4,5	PS	1.68	1.31–2.16	< 0.001

See Table 1 for key.

The formative stages of the puppy's life in the CBE are periods where stress may exert an impact on brain development. Although no studies on sources of stress in CBEs or their potential effects on the well-being of the dogs have been published, sources of stress have been investigated in dogs living in confinement in kennels,<sup>18–21</sup> animal shelters,<sup>22,23</sup> and laboratories.<sup>24,25</sup> Similar stressors have been documented in the CBE environment,<sup>10</sup> and it is therefore reasonable to suggest that the effects applied also to the dogs in the present study, despite some differences in background, housing, and husbandry. Specific factors that have been determined to be associated with stress in dogs living in confined environments include spatial restriction,<sup>18,19,23</sup> extreme temperatures,<sup>9,26</sup> aversive interactions with kennel staff,<sup>26,27</sup> lack of perceived control or the capacity to avoid or regulate exposure to aversive stimuli,<sup>20–23</sup> and limited access to positive human and conspecific social interactions.<sup>18,24,25</sup> A recent study<sup>11</sup> on the mental health of dogs formerly used as breeding stock in CBEs found severe and long-lasting adverse effects in dogs living in this type of environment, offering evidence of the magnitude of stressors in CBEs.

The stressors in the CBE environment may have acted at 2 stages of the developing puppies' lives: the prenatal period and the first 8 weeks after birth. A large body of research in humans and other animals has convincingly determined that prenatal stress (ie, stress experienced by a pregnant female) causes alterations to the hypothalamic-pituitary-adrenal axis of the developing fetus that may manifest later in life as an impaired ability to cope with stress,<sup>22</sup> abnormal social behavior,<sup>28,29</sup> and increased emotionality and fear-related behavior.<sup>30</sup> All of these outcomes are consistent with the differences detected in pet store– versus NCB-obtained dogs (ie, increased aggression, fear of dogs and nonsocial stimuli, and excitability). Substantial evidence in humans and other animals indicates that stressful experiences in early life may have extensive and enduring effects with strong correlations to later development of behavioral abnormalities and psychopathologic abnormalities.<sup>31–35</sup> In dogs, Fox and Stelzner<sup>36</sup> detected a short period at approximately 8 weeks of age when puppies are hypersensitive to distressing psychological or physical stimuli and during which a single unpleasant experience could result in long-term aversive or abnormal effects. Transport-related stress was suggested by both Mugford<sup>4</sup> and Gaultier et al<sup>6</sup> to be a potentially critical factor in the early lives of puppies from CBEs as they are shipped to pet stores throughout North America. Mugford,<sup>4</sup> Serpell and Jagoe,<sup>2</sup> and Bennett and Rohlf<sup>3</sup> have each suggested that a reason for pet store and CBE puppies to have a high prevalence of behavioral problems later in life is inadequate early socialization. In addition, genetic influences may play a role in the differences between pet store and NCB dogs, because a genetic basis for behavioral traits in dogs is consistent with findings observed in dogs of the present study, including fear, aggression, emotional reactivity, and nonspecific alterations in temperament and personality.<sup>27,37,38</sup>

The reported differences in the 2 groups of dogs in the present study could be attributable to a number of owner-related factors. It is possible that people who buy puppies from pet shops may use different degrees or methods of training than people who buy puppies

from an NCB. The importance of training in the development of problem behaviors was recently elucidated in the study<sup>3</sup> of the relationship of potentially problematic behaviors with other variables. The researchers found that for the 5 behavioral subscales, the strongest predictor for scoring undesirably in 3 of the 5 subscales was the level of training the dog received. The present study did not attempt to collect demographic or background information on the dog owners; therefore, the degree to which such factors may have contributed to the findings could not be assessed. An additional owner-related consideration is that it is possible that people who buy puppies from pet stores simply report potentially problematic behaviors more readily than do others, irrespective of the dog's actual behavior.

The data support the notion that dogs obtained as puppies from pet stores have substantial adverse behavioral differences, compared with dogs obtained from NCBs. Taken individually, however, the specific factors that differ between the 2 groups are not readily attributable to a single definitive explanation. For example, stranger-directed aggression may be attributable to inadequate socialization, maltreatment by humans, genetic factors, and prenatal stress. Taken collectively, no single explanatory factor appears capable of accounting for the differences between the 2 groups. For example, although inadequate socialization may explain increased aggression, the most prominent emotional consequence of insufficient socialization is fear,<sup>27,39</sup> and whereas aggression toward humans (owners and unfamiliar people) was increased, fear toward humans was not.

There were a number of limitations to the present study. The sample of dog owners was self-selected and therefore a potential source of bias. The question in the C-BARQ regarding the source of the dogs did not define breeder, leaving the participants to define the term for themselves. Accordingly, a breeder source could have indicated either type of NCB (hobby breeder or backyard breeder), and the level and type of care differ between the 2 types. These differences are presumably minor in comparison to the differences between NCBs and CBEs. It is also conceivable that the source of some dogs specified by the owner as breeder was a CBE; however, it is reasonable to conclude that there would be no overlap between breeder and pet store categories (ie, no owner with a dog coming from a pet store would select breeder as a source, and no owner with a dog coming from a breeder would select pet store as a source).

Results of the present study indicated that compared with dogs obtained as puppies from NCBs, dogs obtained as puppies from pet stores had significantly greater aggression toward human family members, unfamiliar people, and other dogs; fear of other dogs and nonsocial stimuli; separation-related problems; and urination and defecation problems in the home. On almost all behavioral variables measured, pet store dogs received less favorable scores than breeder-obtained dogs. The diversity of behavioral differences between pet store–obtained and breeder-obtained dogs suggests a multifactorial cause and, accordingly, a multifactorial approach to correction; however, the data did not permit determination of the specific contributory factors and the degree of influence they exerted. In addition,

because we did not compare the 2 groups of dogs in this study with other sources of dogs, the results should not be interpreted as an endorsement of any particular source of dogs. On the basis of these findings combined with earlier findings regarding pet store–obtained dogs, until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, we cannot recommend that puppies be obtained from pet stores.

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## **Retail Pet Sales Bans Enacted in North America (316)**

(Links to legislation available at [bestfriends.org/puppymills](http://bestfriends.org/puppymills))

(4-22-19)

### **ALABAMA**

**Huntsville, AL** – Enacted December 2018; effective immediately

### **ARIZONA**

**Phoenix, AZ** – Enacted December 2013; effective January 2014

**Tempe, AZ** – Enacted February 2016; effective May 2016

### **CALIFORNIA**

**South Lake Tahoe, CA** – Enacted April 2009; effective May 2011

**West Hollywood, CA** – Enacted February 2010; effective March 2010

**Hermosa Beach, CA** – Enacted March 2010; effective April 2010

**Turlock, CA** – Enacted May 2010; effective June 2010

**Glendale, CA** – Enacted August 2011; effective August 2012

**Irvine, CA** – Enacted October 2011; effective immediately

**Dana Point, CA** – Enacted February 2012; effective immediately

**Chula Vista, CA** – Enacted March 2012; effective April 2012

**Laguna Beach, CA** – Enacted May 2012; effective immediately

**Aliso Viejo, CA** – Enacted May 2012; effective immediately

**Huntington Beach, CA** – Enacted June 2012; effective June 2014

**Los Angeles, CA** – Enacted October 2012; effective June 2013

**Burbank, CA** – Enacted February 2013; effective August 2013

**Rancho Mirage, CA** – Enacted February 2013; effective March 2013

**San Diego, CA** – Enacted July 2013; effective September 2013

**Ventura County, CA** – Enacted December 2013; effective December 2014

**Chino Hills, CA** – Enacted October 2014; effective November 2014

**Oceanside, CA** – Enacted January 2015; effective September 2015



**Long Beach, CA** – Enacted March 2015; effective October 2015  
**Garden Grove, CA** – Enacted March 2015; effective March 2016  
**Encinitas, CA** – Enacted July 2015; effective immediately  
**Beverly Hills, CA** – Enacted August 2015; effective September 2015  
**Vista, CA** – Enacted September 2015; effective October 2015  
**Palm Springs, CA** – Enacted October 2015; effective immediately  
**San Marcos, CA** – Enacted January 2016; effective February 2016  
**Cathedral City, CA** – Enacted January 2016; effective February 2016  
**Truckee, CA** – Enacted February 2016; effective immediately  
**Indio, CA** – Enacted April 2016; effective immediately  
**La Quinta, CA** – Enacted April 2016; effective May 2016  
**Carlsbad, CA** – Enacted May 2016; effective June 2016  
**Colton, CA** – Enacted June 2016; effective July 2016  
**Solana Beach, CA** – Enacted July 2016; effective immediately  
**San Francisco, CA** – Enacted February 2017; effective March 2017  
**Sacramento, CA** – Enacted May 2017; effective immediately  
**South Pasadena, CA** – Enacted June 2017; effective July 2017  
**Del Mar, CA** – Enacted August 2017; effective September 2017  
**The State of California (Assembly Bill 485)** – Enacted October 2017; effective January 2019

### **COLORADO**

**Fountain, CO** – Enacted May 2011; effective May 2011

### **FLORIDA**

**Flagler Beach, FL** – Enacted June 2009; effective immediately  
**Lake Worth, FL** – Enacted February 2011; effective February 2011  
**Coral Gables, FL** (applies to dogs only)  
**Opa-Locka, FL** (applies to dogs only)  
**North Bay Village, FL** (applies to dogs only)  
**Hallandale Beach, FL** – Enacted April 2012; effective immediately



**Margate, FL** – Enacted October 2013; effective immediately  
**Pinecrest, FL** – Enacted October 2013; effective immediately  
**Palmetto Bay, FL** – Enacted December 2013; effective immediately  
**Coconut Creek, FL** – Enacted January 2014; effective immediately  
**Wellington, FL** – Enacted January 2014; effective immediately  
**Surfside, FL** – Enacted February 2014; effective immediately  
**Aventura, FL** – Enacted March 2014; effective immediately  
**Wilton Manors, FL** – Enacted March 2014; effective immediately  
**Greenacres, FL** – Enacted April 2014; effective immediately  
**North Lauderdale, FL** – Enacted April 2014; effective immediately  
**Bay Harbor Islands, FL** – Enacted April 2014; effective immediately  
**Pompano Beach, FL** – Enacted May 2104; effective immediately  
**North Miami Beach, FL** – Enacted May 2014; effective immediately  
**Miami Beach, FL** – Enacted May 2014; effective January 2015  
**Bal Harbour Village, FL** – Enacted May 2014; effective immediately  
**Sunny Isles Beach, FL** – Enacted May 2014; effective immediately  
**Dania Beach, FL** – Enacted June 2014; effective immediately  
**Palm Beach Gardens, FL** – Enacted July 2014; effective immediately  
**Juno Beach, FL** – Enacted July 2014; effective immediately  
**Cutler Bay, FL** – Enacted August 2014; effective immediately  
**North Palm Beach, FL** – Enacted August 2014; effective immediately  
**Hypoluxo, FL** – Enacted September 2014; effective immediately  
**Jupiter, FL** - Enacted October 2014; effective immediately  
**Homestead, FL** – Enacted October 2014; effective immediately  
**Tamarac, FL** – Enacted December 2014; effective immediately  
**Palm Beach, FL** – Enacted January 2015; effective immediately  
**North Miami, FL** – Enacted April 2015; effective immediately  
**Lauderhill, FL** – Enacted April 2015; effective immediately  
**Fernandina Beach, FL** – Enacted July 2015; effective immediately  
**Jacksonville Beach, FL** – Enacted August 2015; effective immediately



**Deerfield Beach, FL** – Enacted November 2015; effective May 2016  
**West Melbourne, FL** – Enacted November 2015; effective immediately  
**Casselberry, FL** – Enacted November 2015; effective immediately  
**Neptune Beach, FL** – Enacted January 2016; effective February 2016  
**Sarasota County, FL** – Enacted January 2016; effective January 2017  
**South Miami, FL** – Enacted January 2016; effective immediately  
**Delray Beach, FL** – Enacted March 2016; effective immediately  
**Hollywood, FL** – Enacted June 2016; effective December 2016  
**St. Petersburg, FL** – Enacted July 2016; effective immediately  
**Key West, FL** – Enacted August 2016; effective immediately  
**Miramar, FL** – Enacted August 2016; effective immediately  
**Palm Beach County, FL** – Enacted September 2016; effective November 2016  
**Safety Harbor, FL** – Enacted November 2016; effective immediately  
**Holmes Beach, FL** – Enacted February 2017; effective immediately  
**Fort Lauderdale, FL** – Enacted June 2017; effective immediately  
**DeSoto County, FL** – Enacted July 2017; effective immediately  
**Oakland Park, FL** – Enacted December 2017; effective immediately  
**Seminole County, FL (unincorporated areas)** – Enacted February 2018; effective immediately  
**Atlantic Beach, FL** – Enacted March 2018; effective immediately  
**Lake County, FL** – Enacted May 2018; effective immediately  
**Sanford, FL** – Enacted July 2018; effective immediately  
**Dunedin, FL** – Enacted July 2018; effective immediately  
**Royal Palm Beach, FL** – Enacted July 2018; effective immediately  
**Mount Dora, FL** – Enacted January 2019; effective immediately  
**Indian Harbor Beach, FL** – Enacted January 2019; effective immediately

## **GEORGIA**

**Canton, GA** – Enacted March 2017; effective immediately  
**Holly Springs, GA** – Enacted May 2017; effective immediately  
**Waleska, GA** – Enacted May 2017; effective immediately



**Woodstock, GA** – Enacted June 2017; effective immediately  
**Senoia, GA** – Enacted November 2017; effective immediately  
**Sandy Springs, GA** – Enacted November 2017; effective February 2018  
**Ball Ground, GA** -- Enacted January 2018; effective immediately  
**Centerville, GA** – Enacted January 2018; effective immediately  
**Atlanta, GA** – Enacted November, 2018; effective immediately

### **ILLINOIS**

**Waukegan, IL** – Enacted June 2012; effective immediately  
**Chicago, IL** – Enacted March 2014; effective March 2015  
**Cook County, IL** – Enacted April 2014; effective October 2014  
**Warrenville, IL** – Enacted February 2016; effective immediately  
**Crest Hill, IL** – Enacted October 2017; effective January 2018  
**Kankakee County, IL** – Enacted May 2018; effective immediately  
**Vernon Hills, IL** – Enacted February 2019; effective immediately  
**Downers Grove, IL** – Enacted March 2019; effective October 2019

### **INDIANA**

**St. Joseph County, IN** (unincorporated areas) – Enacted May 2017; effective immediately

### **IOWA**

**Fraser, Iowa** – Enacted October 2017; effective immediately  
**Boone, IA** – Enacted May 2018; effective immediately

### **MAINE**

**Portland, ME** – Enacted September 2016; effective immediately  
**Bar Harbor, ME** – Enacted December 2017; effective January 2018

### **MARYLAND**

**Montgomery County, MD** – Enacted March 2015; effective June 2015





**The State of Maryland (House Bill 1662)** – Enacted April 2018; effective January 2020

**MASSACHUSETTS**

**Boston, MA** – Enacted March 2016; effective immediately

**Stoneham, MA** – Enacted May 2017; effective immediately

**Cambridge, MA** – Enacted August 2017; effective November 2017

**MICHIGAN**

**Eastpointe, MI** – Enacted September 2015; effective January 2016

**Memphis, MI** – Enacted September 2015; effective immediately

**New Baltimore, MD** – Enacted November 2015; effective November 2016

**Fraser, MI** – Enacted December 2015; effective immediately

**MINNESOTA**

**Roseville, MN** – Enacted March 2017; effective September 2017

**Eden Prairie, MN** – Enacted May 2018; effective immediately

**St. Paul, MN** – Enacted December 2018; effective January 2019

**NEVADA**

**Mesquite, NV** – Enacted May 2016; effective June 2016

**North Las Vegas, NV** – Enacted December 2016; effective immediately

**NEW JERSEY**

**Point Pleasant, NJ** – Enacted May 2012; effective immediately

**Brick, NJ** – Enacted July 2012; effective immediately

**Manasquan, NJ** – Enacted September 2012; effective immediately

**Point Pleasant Beach, NJ** – Enacted October 2012; effective immediately

**Hoboken, NJ** – Enacted May 2013; effective immediately

**Oceanport, NJ** – Enacted August 2013; effective immediately

**North Brunswick, NJ** – Enacted October 2013; effective November 2013



**Randolph, NJ** – Enacted September 2014; effective immediately  
**Camden County, NJ** – Enacted September 2015; effective immediately  
**Voorhees, NJ** – Enacted October 2015; effective immediately  
**Brooklawn, NJ** – Enacted October 2015; effective immediately  
**Audubon, NJ** – Enacted October 2015; effective immediately  
**Waterford, NJ** – Enacted October 2015; effective January 2016  
**Cherry Hill, NJ** – Enacted November 2015; effective immediately  
**Merchantville, NJ** – Enacted November 2015; effective immediately  
**Runnemede, NJ** – Enacted December 2015; effective March 2016  
**Somerdale, NJ** – Enacted December 2015; effective March 2016  
**Laurel Springs, NJ** – Enacted December 2015; effective March 2016  
**Oaklyn, NJ** – Enacted December 2015; effective immediately  
**Westville, NJ** – Enacted December 2015; effective March 2016  
**Haddon Heights, NJ** – Enacted December 2015; effective March 2016  
**Gloucester Township, NJ** – Enacted December 2015; effective January 2016  
**Glassboro, NJ** – Enacted December 2015; effective March 2016  
**Magnolia, NJ** – Enacted December 2015; effective March 2016  
**Bellmawr, NJ** – Enacted January 2016; effective immediately  
**Berlin Township, NJ** – Enacted February 2016; effective May 2016  
**Clementon, NJ** – Enacted March 2016; effective June 2016  
**Pine Hill, NJ** – Enacted March 2016; effective immediately  
**Haddon Township, NJ** – Enacted March 2016; effective immediately  
**Winslow, NJ** – Enacted March 2016; effective immediately  
**Jackson, NJ** – Enacted March 2016; effective immediately  
**Collingswood, NJ** – Enacted April 2016; effective immediately  
**Audubon Park, NJ** – Enacted April 2016; effective immediately  
**Mount Ephraim, NJ** – Enacted April 2016; effective immediately  
**Barrington, NJ** – Enacted April 2016; effective immediately  
**Berlin Borough, NJ** – Enacted April 2016; effective immediately  
**East Brunswick, NJ** – Enacted April 2016; effective May 2016



**Gloucester City, NJ** – Enacted April 2006; effective July 2016  
**Chesilhurst, NJ** – Enacted May 2016; effective August 2016  
**Greenwich, NJ** – Enacted May 2016; effective June 2016  
**Pennsauken, NJ** – Enacted May 2016; effective immediately  
**Beverly, NJ** – Enacted May 2016; effective immediately  
**Clayton, NJ** – Enacted May 2016; effective August 2016  
**Mantua, NJ** – Enacted May 2016; effective immediately  
**Washington (Gloucester County), NJ** – Enacted June 2016; effective July 2016  
**Gibbsboro, NJ** – Enacted June 2016; effective September 2016  
**Little Ferry, NJ** – Enacted June 2016; effective September 2016  
**Wyckoff, NJ** – Enacted June 2016; effective immediately  
**Lindenwold, NJ** – Enacted June 2016; effective immediately  
**Hackensack, NJ** – Enacted June 2016; effective September 2016  
**Bordentown, NJ** – Enacted June 2016; effective immediately  
**Hi-Nella, NJ** – Enacted June 2016; effective September 2016  
**Mount Holly, NJ** – Enacted July 2016; effective October 2016  
**Pitman, NJ** – Enacted July 2016; effective October 2016  
**Camden City, NJ** – Enacted July 2016; effective August 2016  
**Maywood, NJ** – Enacted July 2016; effective immediately  
**East Rutherford, NJ** – Enacted July 2016; effective October 2016  
**Glen Rock, NJ** – Enacted July 2016; effective October 2016  
**Woodlynne, NJ** – Enacted July 2016; effective October 2016  
**Woodcliff Lake, NJ** – Enacted August 2016; effective immediately  
**Saddle Brook, NJ** – Enacted August 2016; effective November 2016  
**Washington (Burlington County), NJ** – Enacted August 2017; effective immediately  
**Upper Saddle River, NJ** – Enacted September 2016; effective immediately  
**Eatontown, NJ** – Enacted September 2016; effective December 2016  
**Swedesboro, NJ** – Enacted September 2016; effective December 2016  
**Ridgefield, NJ** – Enacted September 2016; effective December 2016  
**Fanwood, NJ** – Enacted September 2016; effective immediately



**Fairview, NJ** – Enacted September 2016; effective December 2016  
**Wallington, NJ** – Enacted September 2016; effective immediately  
**New Milford, NJ** – Enacted September 2016; effective immediately  
**Hamilton, NJ (Mercer County)** – Enacted September 2016; effective October 2016  
**Ridgewood, NJ** – Enacted October 2016; effective November 2016  
**Edgewater, NJ** – Enacted October 2016; effective January 2016  
**Woodbury Heights, NJ** – Enacted October 2016; effective immediately  
**Marlboro, NJ** – Enacted October 2016; effective January 2017  
**Fair Lawn, NJ** – Enacted October 2016; effective immediately  
**Ocean, NJ** – Enacted October 2016; effective November 2016  
**North Arlington, NJ** – Enacted November 2016; effective immediately  
**Watchung, NJ** – Enacted November 2016; effective immediately  
**Frenchtown, NJ** – Enacted December 2016; effective March 2017  
**Palisades Park, NJ** – Enacted December 2016; effective immediately  
**Union Beach, NJ** – Enacted December 2016; effective immediately  
**Cliffside Park, NJ** – Enacted December 2016; effective immediately  
**Bradley Beach, NJ** – Enacted January 2017; effective immediately  
**Stratford, NJ** -- Enacted February 2017; effective May 2017  
**Burlington, NJ** – Enacted February 2017; effective March 2017  
**Haddonfield, NJ** – Enacted February 2017; effective May 2017  
**Bound Brook, NJ** – Enacted February 2017; effective immediately  
**Livingston, NJ** – Enacted March 2017; effective June 2017  
**Franklin, NJ (Somerset County)** – Enacted March 2017; effective June 2017  
**Secaucus, NJ** – Enacted March 2017; effective immediately  
**Manalapan, NJ** – Enacted April 2017; effective immediately  
**Scotch Plains, NJ** – Enacted April 2017; effective immediately  
**Lodi, NJ** – Enacted April 2017; effective April 2017  
**East Newark, NJ** – Enacted April 2017; effective July 2017  
**Roselle Park, NJ** – Enacted May 2017; effective immediately



**Harrison (Gloucester County), NJ** – Enacted May 2017; effective immediately

**Brielle, NJ** – Enacted May 2017; effective immediately

**Caldwell, NJ** – Enacted June 2017; effective immediately

**Matawan, NJ** – Enacted June 2017; effective immediately

**Maple Shade, NJ** – Enacted June 2017; effective immediately

**North Plainfield, NJ** – Enacted June 2017; effective July 2017

**Asbury Park, NJ** – Enacted June 2017; effective July 2017

**Leonia, NJ** – Enacted July 2017; effective immediately

**Hopewell Borough, NJ** – Enacted August 2017; effective immediately

**Springfield, NJ** – Enacted September 2017; effective December 2017

**Cranford, NJ** – Enacted October 2017; effective immediately

**Nutley, NJ** – Enacted October 2017; effective January 2018

**Moorestown, NJ** – Enacted October 2017; effective November 2017

**Rahway, NJ** – Enacted November 2017; effective immediately

**Lawrence, NJ** – Enacted February 2018; effective March 2018

**Holmdel, NJ** – Enacted February 2018; effective May 2018

**Barnegat, NJ** – Enacted March 2018; effective immediately

**Westfield, NJ** – Enacted April 2018; effective immediately

**Garwood, NJ** – Enacted June 2018; effective September 2018

**Linden, NJ** – Enacted June 2018; effective immediately

**Palmyra, NJ** – Enacted June 2018; effective immediately

**Teaneck, NJ** – Enacted September 2018; effective December 2018

**South Orange, NJ** – Enacted November 2018; effective immediately

**Wall, NJ** – Enacted December 2018; effective immediately

**Medford Lakes, NJ** – Enacted February 2019; effective immediately

**Carteret, NJ** – Enacted March 2019; effective June 2019

**Tinton Falls, NJ** – Enacted March 2019; effective immediately



**NEW MEXICO**

**Albuquerque, NM** – Enacted June 2006; effective August 2007

**Bernalillo County, NM** – Enacted February 2013; effective August 2013

**Rio Rancho, NM** – Enacted April 2017; effective November 2017

**NEW YORK**

**Mamaroneck Village, NY** – Enacted February 2016; effective immediately

**Mount Pleasant, NY** – Enacted March 2016; effective immediately

**Yorktown, NY** – Enacted July 2016; effective immediately

**Rye Brook, NY** – Enacted August 2016; effective immediately

**Port Chester, NY** – Enacted October 2016; effective immediately

**OHIO**

**Toledo, OH** – Enacted December 2013; effective January 2014

**Grove City, OH** – Enacted March 2016; effective January 2017

**PENNSYLVANIA**

**Pittsburgh, PA** – Enacted December 2015; effective June 2016

**Philadelphia, PA** – Enacted April 2016; effective July 2016

**Wilkinsburg, PA** – Enacted October 2017; effective immediately

**Sharpsburg, PA** – Enacted April 2018; effective immediately

**RHODE ISLAND**

**East Providence, RI** – Enacted June 2014; effective immediately

**Warwick, RI** – Enacted July 2017; effective August 2017

**West Warwick, RI** – Enacted February 2018; effective March 2018

**Providence, RI** – Enacted July 2018; effective immediately



**TENNESSEE**

**Nashville and Davidson County, TN** – Enacted May 2018; effective August 2018

**Franklin, TN** – Enacted December 2018; effective March 2019

**TEXAS**

**El Paso, TX** – Enacted October 2010; effective January 2011

**Austin, TX** – Enacted December 2010; effective December 2010

**UTAH**

**Salt Lake County, UT** – Enacted October 2015; effective immediately

**Millcreek, UT** – Enacted December 2016; effective immediately

**Emigration Canyon, UT** – Enacted January 2017; effective immediately

**Copperton, UT** – Enacted January 2017; effective immediately

**Kearns, UT** – Enacted January 2017; effective immediately

**Magna, UT** – Enacted January 2017; effective immediately

**White City, UT** – Enacted January 2017; effective immediately

**Sandy City, UT** – Enacted May 2018; effective immediately

**Midvale, UT** – Enacted July 2018; effective immediately

**Murray City, UT** – Enacted August 2018; effective immediately

**Salt Lake City, UT** – Enacted November 2018; effective February 2019

**WASHINGTON**

**Bainbridge Island, WA** – Enacted June 2017; effective July 2017

**Bremerton, WA** – Enacted September 2017; effective immediately

**Poulsbo, WA** – Enacted January 2018; effective immediately

**WYOMING**

**Rock Springs, WY** – Enacted April 2018; effective immediately



**CANADA**

**Richmond, British Columbia** – Enacted November 2010; effective April 2011

**Toronto, Ontario** – Enacted September 2011, effective September 2012

**Rosemont-La Petite-Patrie, Quebec** – Enacted December 2011; effective immediately

**Mississauga, Ontario** – Enacted July 2012; effective January 2013

**New Westminster, British Columbia** – Enacted November 2012; effective immediately

**Kingston, Ontario** – Enacted August 2013; effective November 2013

**Vaughan, Ontario** – Enacted April 2014; effective immediately

**Hudson, Quebec** – Enacted September 2014; effective immediately

**Waterloo, Ontario** – Enacted September 2014; effective January 2015

**Mount Royal, Quebec** – Enacted May 2015; effective immediately

**Oakville, Ontario** – Enacted November 2015; effective immediately

**Beaconsfield, Quebec** – Enacted December 2015; effective immediately

**Ottawa, Ontario** – Enacted April 2016; effective immediately

**Cambridge, Ontario** – Enacted October 2016; effective immediately

**Delta, British Columbia** – Enacted October 2017; effective November 2017

**Vancouver, British Columbia** – Enacted December 2017; effective immediately

**Surrey, British Columbia** – Enacted March 2018; effective June 2018

**Burnaby, British Columbia** – Enacted June 2018; effective immediately





# Responsible vs. Irresponsible

<b>Responsible/Hobby Breeders</b>	<b>Puppy Mills/Backyard Breeders</b>
Breed for love/improvement of breed	Breed solely for profit
Screen for genetic defects	Do not screen for genetic defects
Have a small number of dogs	Have a large number of dogs
Usually breed only one breed	Breed multiple breeds
Only sell directly to buyer	Will sell to 3 <sup>rd</sup> parties (pet stores, brokers, online)
Usually spay & neuter	Do not spay & neuter
Dog can always be returned to breeder	Dogs cannot be returned
Dogs generally live in the home	Dogs do not live in the home
Typically breed only once a year	Typically breed every cycle
Will allow you to see where dogs are raised	Will not allow you to visit facility

## Kaitlyn Floyd

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**From:** Kayla Kerr <kayla\_ashley18@icloud.com>  
**Sent:** Monday, April 22, 2019 2:06 PM  
**To:** Kitsap Commissioners; Edward E. Wolfe; Charlotte Garrido; Robert Gelder  
**Subject:** Kitsap County Retail Pet Sales Ordinance

Kitsap County Board of Commissioners,

My husband and I own Puppyland, a pet store in Puyallup. We own two Dachshunds; Winston is 7, we purchased him from a pet store in Colorado before we were familiar with the animal industry. Josie is 8 and we purchased her from a hobby breeder. To-date we have paid over \$10,000 in surgery bills for Josie that were easily preventable by focusing on healthy breeding lines. We received no help or sympathy from the breeder. Preventable medical bills such as these are how many animals end up in shelters and rescues.

To date we have had no medical bills for Winston outside of his routine care. He is happy, healthy, friendly, and has the funniest personality you can imagine! Ordinances like the one you are trying to pass put consumers at risk. You're taking away consumer accessibility to legitimate, professional breeders. Farmland has partnered up with BJ's and Guys to ensure they are getting healthy, well-bred puppies. I can attest to how great BJ's and Guys is because that's where my Winston came from! I have included Winston's Pedigree with parent pictures that I was given 7 years ago when I purchased him.

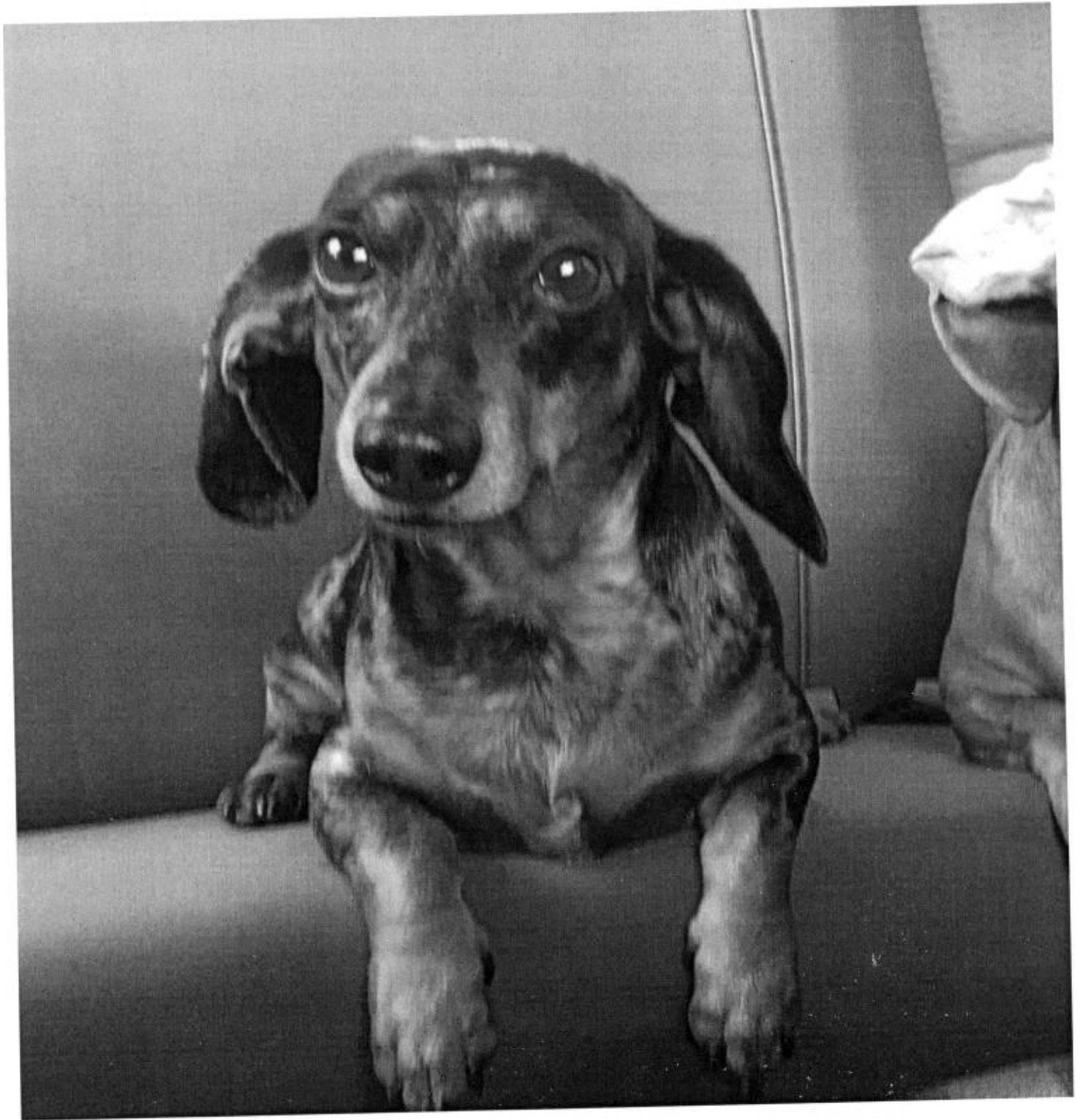
This ordinance addresses the concern regarding the amount of animals in shelters. We as pet store owners are not the cause for the animals in shelters, or mis-treated animals. There is a reason nearly every shelter and rescue has a policy to take their animals back, because as unfortunate as it may be, the reality is life does happen and things change for families. We as pet store owners will do everything in our power to help with this if the problem arises as well, not only to help the animal, but to prevent any burden on our community which we are actively involved in supporting.

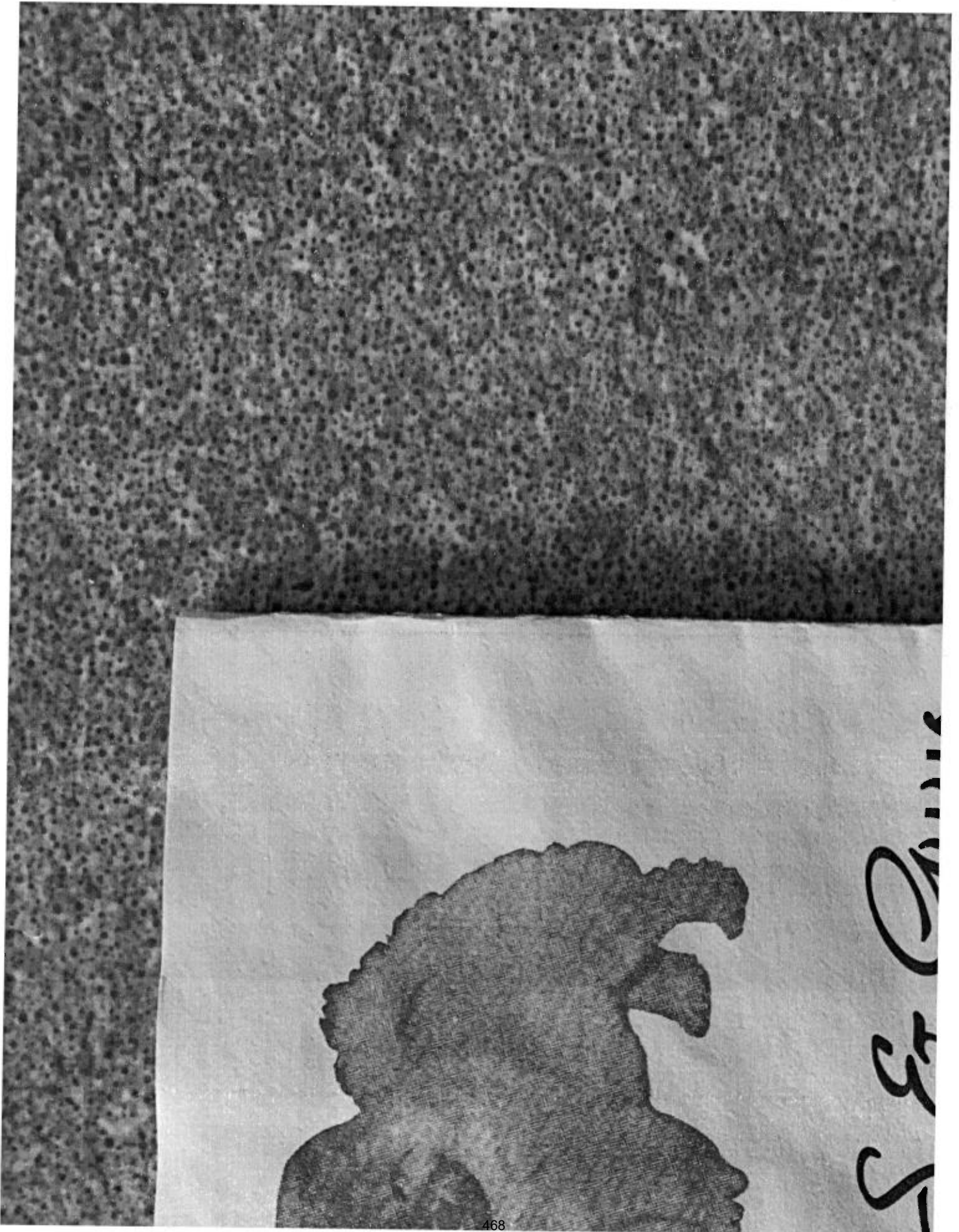
Pet stores are the minority, being only 4 pet stores in the entire state of Washington, compare that to the nearly 100 rescue organizations that regularly import from other states and countries from questionable sources. One rescue based out of Seattle imports dogs from Asia and charges as much as \$1750. As of right now they have 142 dogs/puppies available and they have estimated they adopt out an average of 1000 animals per year. So why do we chose to target the small group of family-run, regulated businesses, but continue to encourage the non-regulated sources? I believe we should be looking at implementing further regulations, be it for pet stores, rescues, or animal owners, instead of completely wiping out a minority here.

Please consider how damaging this ordinance can be for families and consumers, and vote no. Thank you for taking the time to read this.

Warmest regards, 

Kayla Kerr  
720-581-8894







*BJ'S & Guys*

HC 1, Box 38  
MENLO, KANSAS 67753-9680

DANIELLE'S BLUE R  
GRAND SIRE

J&D'S MATHEW

SIRE

DNA: V592377

HP215547/02

SIRE AKC #

H07-ZA-AN-3828

DANIELLE'S SAPPHI  
GRAND DAM

NAME

REGISTRATION #

DACHSHUND

BREED

SHARON MUNK

BREEDER

*M*

SEX

*1-5-12*

WHELPED

*Wild/Boar*

COLOR

MAVERICK PACODIDI

GRAND SIRE

ROSEBUD KOER

DAM

349



*BJ'S*

USDA #

KS #

**Profess**

**Breed**

**1**

**Kaitlyn Floyd**

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**From:** Teri Trego <ttregone1@gmail.com>  
**Sent:** Monday, April 22, 2019 9:43 AM  
**To:** Kitsap Commissioners  
**Subject:** Contact from the website

I hope you vote to stop Farmland Feed & Pet's from selling Pet's from Puppy Mill's. Thank you, Teri Trego - Manchester

## Kaitlyn Floyd

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**From:** Rachelle Rose <rachro@msn.com>  
**Sent:** Monday, April 22, 2019 11:01 AM  
**To:** Kitsap Commissioners  
**Subject:** Please pass the ban on commercial sale of puppy mill cats/dogs

Hello,

I am writing you to request that you please pass the rule that bans the sale of puppies, dogs, kittens, and cats through pet shops and other commercial vendors in Kitsap County. I am in favor of only allowing adoptions of animals through reputable humane societies and shelters in commercial venues.

Allowing the sale of puppies and kittens in a retail environment encourages for retailers to ignore ethical standards that ensure the animals' health and breeding, and it encourages the sales of these animals to be from the horrific origins of puppy mills and kitten factories. It is cruel, inhumane, greedy, reckless, and irresponsible to continue to allow this.

Thank you for your time.

Sincerely,  
Rachelle Rose



## Kaitlyn Floyd

---

**From:** brenda walter <baw116@nemr.net>  
**Sent:** Monday, April 22, 2019 5:41 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. brenda walter  
28062 love trail  
green castle, MO 63544  
Email Address: baw116@nemr.net



## Kaitlyn Floyd

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**From:** Broox Trudeau <brooxtrudeau@gmail.com>  
**Sent:** Monday, April 22, 2019 8:37 PM  
**To:** Kitsap Commissioners  
**Subject:** Purebred pet sales in pet stores

I am for selling Perigeed cats and dogs in pet stores. I personally know dozens of people that have purchased dogs from Farmland feed in silverdale Washington. There is no harm done nor puppy mill purchases that happen within that pet store. They are purchased from reputable breeders that have character references and certified AKC status. Regulating sales of purebreds and limiting to stray populations only increases the unwanted breeding of non pedigree dogs and cats. Purebreds have a niche in society as some people prefer them over hybrid animals. The cost of purebreds also reflects a higher class of care of said animals. 90 percent of the time dogs and cats purchased as purebred pedigree animals are altered to never be breeding animals. More than a strays or mutts given away on the streets. Limiting stores to only sell stray animals is limiting the choices of consumers which is only going to increase puppymil prices and breeding because it will be harder to obtain purebred animals. Keeping reputable breeders selling to honest merchants is the better choice.

Broox Daniel  
Kitsap county Voter

## Kaitlyn Floyd

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**From:** Kathy Hartlieb <khgypsylady5213@gmail.com>  
**Sent:** Tuesday, April 23, 2019 3:05 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Kathy Hartlieb  
5290 Banner Rd SE  
Port Orchard, WA 98367  
Email Address: khgypsylady5213@gmail.com



## Kaitlyn Floyd

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**From:** Edward Kattel <captekjr@gmail.com>  
**Sent:** Tuesday, April 23, 2019 4:25 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Edward Kattel  
106 Ponce De Leon Blvd  
Islamorada, FL 33036  
Email Address: captekjr@gmail.com



## Kaitlyn Floyd

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**From:** Susan Hager-Smith <shagersmith@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 6:34 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

As former pastor at S.Colby United Methodist Church I became acquainted with the Pet Store in Silverdale through their owners and I have 100% confidence in their integrity and providing pets for the area families.

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Rev Susan Hager-Smith  
2009 SE 72nd Ave  
Portland, OR 97215  
Email Address: shagersmith@yahoo.com



## Kaitlyn Floyd

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**From:** Bruce Hinds <brucehinds@earthlink.net>  
**Sent:** Tuesday, April 23, 2019 7:45 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Bruce Hinds  
10719 SE OLYMPIAD DR  
Port Orchard, WA 98366  
Email Address: brucehinds@earthlink.net



## Kaitlyn Floyd

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**From:** Brian Strasbaugh <Strasbertos@gmail.com>  
**Sent:** Tuesday, April 23, 2019 9:10 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Brian Strasbaugh  
2619 181st ave e  
Lake Tapps, WA 98391  
Email Address: Strasbertos@gmail.com



## Kaitlyn Floyd

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**From:** Richard Oetting <richard\_oetting@hotmail.com>  
**Sent:** Tuesday, April 23, 2019 9:14 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Richard Oetting  
4955 Peterson Road SE  
Port Orchard, WA 98367  
Email Address: richard\_oetting@hotmail.com





## Kaitlyn Floyd

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**From:** Carter Watts <rcwatts07@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 9:57 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Carter Watts  
397 Peter Hagen Rd NW  
Seabeck, WA 98380  
Email Address: rcwatts07@yahoo.com



## Kaitlyn Floyd

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**From:** Tim Davies <daviestv@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 10:38 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Gelder Gelder:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Tim Davies  
8300 NE 125th Place  
Kirkland, WA 98034  
Email Address: daviestv@yahoo.com



## Kaitlyn Floyd

---

**From:** Nikki Johanson <nikkijwa@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 11:11 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health. I have personally witnessed on a regular basis how our local outlet, Farmland Pets & Feed, runs their operation for pet sales. They run a very first class business in keeping their animal quarters in a very clean and sanitary condition. I have always witnessed pets to be healthy and well cared for. I have purposely inspected their operation looking for possible deficiencies while protesters are picketing outside in front of their store with their inappropriate and derogatory signage. As always, pet accommodations have been in pristine condition. All three of you commissioners know that I am a relatively critical person and I speak out if I see something that is inappropriate or a have rationale that leads me to feeling an unjust situation exists. What is very unjust to me is the fact that with no basis or merit for their presence, these groups are allowed to congregate and cast doubt in the minds of customers wanting to do business with Farmland. I keep in mind that our local Humane Society is a for-profit entity and perhaps they see Farmland as competition they would like to eliminate. This ordinance seems to be in keeping with that kind of thinking. Farmland is a reputable business that is needed in our community.

The proposed Kitsap County ordinance WILL harm the rights of citizens and WILL destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Nikki Johanson  
13274 Clear Creek Rd NW  
Silverdale, WA 98383  
Email Address: nikkijwa@yahoo.com



## Kaitlyn Floyd

---

**From:** John Laha <ms\_supreme\_bean@yahoo.com>  
**Sent:** Tuesday, April 23, 2019 1:05 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. John Laha  
4520 Harper Phill Rd SE  
Port Orchard, WA 98366  
Email Address: ms\_supreme\_bean@yahoo.com



## Kaitlyn Floyd

---

**From:** Jackie Jones <jackiekimballjones@gmail.com>  
**Sent:** Tuesday, April 23, 2019 8:23 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Jackie Jones  
PO Box 513  
BremertonSeabeck, WA 98380  
Email Address: jackiekimballjones@gmail.com





Ziva is a six-year-old Keeshond rescued from a puppy mill in Kansas.

Ziva's mother chewed her tail and back feet off. So, Ziva made puppies instead of being sold.

For just a moment, I would like you to think about Ziva's mother and her life in that cage.

I never met Ziva. Five days after being rescued, she died from a massive overload of heartworms. At the necropsy, her heart probably looked like this.

Heartworm is 100% preventable, but it's common in puppy mills where dogs live in the open in cages and receive no veterinary care, not even a \$5/month heartworm preventative.

How many of Ziva's pups were bitten by a heartworm-carrying mosquito before they were shipped to a pet store and an unsuspecting buyer?



When you think about the puppies for sale in stores in Kitsap County, please also think about their parents. Behind every one of those cute puppies are two animals whose lives are nothing but neglect and torture.

The <sup>US</sup> FDA could enforce its standards, but they don't. The standards aren't very high, and there aren't enough inspectors, anyway. The puppy mill states could enforce their laws (if they have any), but they don't because it's "bad for business."

But you can do something, and I hope you do. Thank you.



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Ziva's mother chewed her tail and back feet off. So, Ziva made puppies instead of being sold.

For just a moment, I would like you to think about Ziva's mother and her life in that cage.

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US

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US

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But you can do something, and I hope you do. Thank you.





My name is Kim Siebens and I live in Kitsap County. I grew up on a small farm in Sequim where we bred and raised livestock and pets like dogs and cats. I have been a Registered Nurse for 12 years. I am also the founder of a local non profit called Their Voice. One reason for starting this non profit was to protect others from the harm that had been done to me and pets that I have cared for in the past.

I am here today representing myself in support of a county-wide retail pet sales restriction.

For some such a restriction is unnecessary. Numerous pet stores – such as Petsmart and Petco -- have voluntarily adopted a business model that eliminates the retail selling of cats, dogs, rabbits, etc. They continue to do well and are now, also, a bigger part of our rescue community. One payoff for them is the reduction in negative comments received on Yelp, Facebook and the BBB.

Some continue to resist that change, however. Last Friday the Kitsap Sun published an article about this meeting. They reported an interview with a local pet store owner who openly admits he continues to sell puppies from the commercial pipeline, specifically from a Kansas kennel called BJ & Guys, which is a well-known “puppy mill”. The conditions there have been well-documented by both the USDA and HSUS, and have been publicly available on the USDA’s website under 48-B-0081. Reports show over 1,100 dogs living in dangerous conditions there, including extremely poor temperature control with some buildings reaching 92 degrees, and dogs in dire need of veterinary care. Other examples include puppies found with their legs dangling through 1 inch gaps in wire flooring, adult dogs found sticking their heads through unsafe gaps in wire cages, dogs in need of veterinary care, and parts of the facility in decline with advanced rust and deterioration.

Those of us that do rescue work know that the USDA standards of care and the officers actually available to police such retail pet businesses as this are shockingly low. For this puppy mill to have received repeated warnings/citations means something far beyond what we, as reasonable people, would want for our pets before they come to us.

The owner of the local business interviewed in the Kitsap Sun article is just wrong when he says “[they] don’t do anything wrong.” His business facilitates the retail sales of pets and is therefore part of the pipeline in which those animals suffer neglect and abuse. His claim that the kind of regulation we are asking for would “make it awfully hard for [them] to maintain [their] business” is also not true and is, frankly, short-sited. While the large pet stores are the most obvious successful entities to transition out of retail animal sales, many other smaller pet stores are also thriving using a humane business model.

Finally, as to the store owner’s claim that “every puppy comes with a 5 generation pedigree document that includes pictures of the mom and dad, name of breeder, and kennel,” I have confirmed with local veterinarians who have treated these animals after purchase, that the paperwork issued is essentially identical but for the breed of dog being changed, often over whiteout, and with occasional photo changes if the breed is drastically different.

The question for you, now, is to decide what kind of community we want to live in? One that prevents abuse and neglect and fosters the welfare of animals, or one that is focused on business for business sake, whether that includes abuse and neglect of the product being sold.

Please pass an ordinance that will put this abuse and neglect to a stop for once and all.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

**PET STORE BILL FACTS**

Over 295 localities and two states—California and Maryland—have enacted laws that prohibit the sale of puppy mill puppies in pet stores. These laws effectively cut off the puppy mill to pet store supply chain and drive the pet market towards more humane sources. Those who profit from this supply chain will oppose these efforts and spread misinformation. Below are the facts.

**A PUPPY MILL** is an inhumane commercial dog breeding facility that disregards the health and wellbeing of dogs in order to maintain a low overhead and maximize profits. Dogs are treated as nothing more than breeding machines and puppies as nothing more than agricultural products. Pet stores are a preferred sales outlet because they allow the cruelty at the mills to remain hidden from consumers.

**MOST PET STORE PUPPIES COME FROM PUPPY MILLS.**

It is well-documented and largely undisputed that the huge majority of pet store puppies come from puppy mills. Pet stores can't source exclusively from small, home-based breeders because they cannot supply pet stores with the constant supply of puppies needed to fill the cages. Plus, responsible breeders won't sell to pet stores because they demand to meet prospective buyers in person to screen them. In fact, over 95% of the American Kennel Club's affiliated breed clubs state in their ethics codes that breeders should not and/or do not sell to pet stores.

**A USDA-LICENSE SAYS NOTHING ABOUT THE QUALITY OF A BREEDER.**

USDA-licensed breeders can legally keep dogs in cramped, stacked, wire cages only 6 inches larger than their bodies for their entire lives, denying them socialization, exercise and basic veterinary care. The USDA allows for mother dogs to be bred every heat cycle until their bodies wear out and for mother dogs to be killed when they can no longer produce litters. The USDA itself admits that it does a poor job of enforcing these minimal standards. An internal audit revealed that USDA inspectors regularly ignore horrific suffering at commercial dog breeding facilities and allow facilities to continue to operate despite repeat violations of the Animal Welfare Act. The USDA also is actively protecting animal abusers by redacting all pertinent information on breeder inspection reports that used to be available to the public.

**CONSUMER PROTECTION IS KEY.**

Consumer protection played a huge role in the passage of laws in California, Maryland and over 280 localities across 22 states (as of Sept. 2018) that have prohibited the sale of commercially raised dogs and cats in pet stores. The HSUS receives complaints every day from heartbroken consumers who have purchased sick puppies from pet stores and have spent thousands of dollars caring for them. Pet store puppies are also not properly socialized and have trouble adjusting to family life because prior to purchase they knew nothing but life in a small cage or a cramped display case. Pet stores also mislead consumers about where their puppies really come from and often offer financing that many consider predatory lending.

**PET STORE LAWS PREVENT PUBLIC HEALTH RISKS.**

According to the Centers For Disease Control (CDC), 118 people across 18 states were infected with an antibiotic-resistant strain of *Campylobacter* in 2017. The CDC linked this outbreak to contact with pet store puppies, and reported that 26 of those infected had to be hospitalized. It is not surprising that a virus linked to pet store puppies is resistant to common antibiotics, as it is common practice for puppy mills and pet stores to overdose puppies with antibiotics to hide sicknesses.

## BUSINESS FACT SHEET

Stores can thrive by converting from the outdated and socially unacceptable business model that relies on the sale of mill puppies to a model that focuses on offering quality products and services, and hosting adoption events. Cries from some pet stores that they need to sell puppies to stay in business are baseless, as the huge majority do not do so.

**“I strongly believe that by giving these pet store business owners a different ideology with regards to the industry, you are helping these businesses from a profit standpoint, an educational perspective and setting a new precedent of a more humane peaceful existence for us all...that from someone who was in the same business longer than most” – Anita Bobetich, former owner of Precious Pet Cottage, a puppy-selling pet store, in a letter to Maryland Senators**

### INDUSTRY TRENDS

- According to The American Pet Products Association, Americans spent \$72 billion on their pets in 2018, and every category, including pet food, products, and services, saw an increase *except* live animal sales, which they predict will continue to decline.<sup>1</sup>
- Consultancy EY-Parthenon reported in July 2018 that the pet industry has become a “potentially explosive market” as Americans increasingly humanize their pets, predisposing them to spend more on fancy food, treats, clothing and premium services such as grooming and pet spas, and noted that 78% of people prefer to shop for their pets in brick-and-mortar stores. Plus, live animals sales will likely slow “as people align pet adoption with their social values.”<sup>2</sup>
- *Pet Business*’ 2018 “Top 25 Pet Retailers in North America” included only one chain that sells puppies, while the rest of the pet store companies are thriving by selling quality products and offering in demand services such as grooming, boarding and training.<sup>3</sup>
- *Entrepreneur* magazine included Pet Supplies Plus on its “2018 Fastest-Growing Franchise Ranking” and “Annual Franchise 500” lists, noting that the company was the top pet supply franchise. Pet Supplies Plus does not sell puppies, but rather focuses on natural pet foods, goods and services, and partner with shelters and rescues.<sup>4</sup>
- Conscientious companies are refusing to do business with pet stores that sell puppies. For example, Honest Kitchen, a healthy pet food company with products in nearly 5000 stores across the country, regularly turns down requests from stores that want to sell their products but also sell puppies.<sup>5</sup>

### SUCCESSFUL PET STORES, IN THEIR OWN WORDS

- PetSmart: *At PetSmart, we never sell dogs or cats. Together with PetSmart Charities, we help save over 1,300 pets every day through adoption.*<sup>6</sup>
- Petco: *We encourage anyone looking to add a new pet to their family to consider adopting a homeless animal, rather than purchasing one... Petco and the Petco Foundation partner with thousands of local animal welfare groups across the country and, through in-store adoption events, help find homes for more than 400,000 animals every year.*<sup>7</sup>
- The owners of Pet Food Express’ 60+ stores, in a letter to CA legislators who passed the first statewide prohibition on the sale of puppies in pet stores: *We support AB 485 because we want to see all pet stores operate responsibly. Not only is it the right thing to do, but it’s the key to a successful business.*
- The marketing manager for 8 Bark! stores in Maryland testified in support of what is now the second statewide prohibition on the sale of puppies in pet stores: *Adoption events create the busiest times at our stores...and always provide a noticeable boost in our sales for that day.* She also said the rescues and shelters the stores partner with recommend Bark! to their adopters, which has increased customer count and sales.

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<sup>1</sup> <https://www.prnewswire.com/news-releases/americans-are-spending-more-on-pets-than-ever-before-72-billion-300816835.html>

<sup>2</sup> <https://www.consulting.us/news/538/americans-see-their-pets-as-family-and-are-spending-more-cash-on-them>

<sup>3</sup> <http://www.petbusiness.com/March-2018/The-Top-25-Pet-Retailers-in-North-America/>

<sup>4</sup> <https://www.prnewswire.com/news-releases/pet-supplies-plus-earns-status-as-one-of-north-americas-fastest-growing-franchises-300608290.html>

<sup>5</sup> <https://www.thehonestkitchen.com/blog/recognition-for-our-stance-on-puppy-mills/>

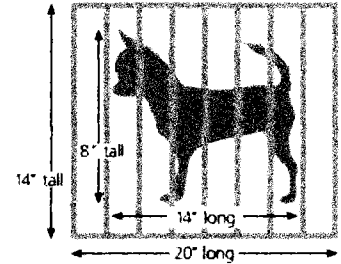
<sup>6</sup> <https://www.petsmart.com/adoption/people-saving-pets/ca-adoption-landing.html>

<sup>7</sup> <https://about.petco.com/fact-sheets>

## USDA'S LOW STANDARDS AND POOR ENFORCEMENT

### A USDA-licensed facility may legally:

- ✓ Confine dogs in cages only 6 inches larger than their bodies for their entire lives
- ✓ Provide only coated wire flooring in cages
- ✓ Deny dogs adequate exercise and socialization
- ✓ Keep dogs in frigid or sweltering temperatures for up to 4 hours
- ✓ Breed dogs repeatedly and excessively, without limits
- ✓ Provide no regular veterinary care beyond annual walk-through of facility



**The USDA admits that a USDA license means very little.** On its website the USDA noted: "We do not 'certify' establishments. . . a USDA license is not a 'seal of approval' but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities."

**USDA's Enforcement Of Animal Welfare Laws Plummeted In 2018, Agency Figures Show.**<sup>1</sup> This was the heading of a feature story in *The Washington Post* in October 2018 that reported the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint. The USDA told the publication this was in part due to "working more closely with alleged violators" rather than taking enforcement actions, a clear indication that the USDA no longer sees its role as a regulator of licensees.

**As of January 2019, the USDA continues to protect animal abusers by hiding the names and license numbers on commercial breeder inspection reports from the public.** In February 2017, the USDA abruptly removed inspection reports from its website. Some reports have been restored, but breeder names, business names and license numbers are blacked out so neither the public nor state enforcement agents can connect breeders with violations. As such, the public remains in the dark about animal mistreatment at specific commercial breeding facilities.

**In 2010 the USDA audited itself, and the Office of Inspector General released a report** stating that the enforcement process was ineffective against problem dealers, inspectors did not cite or document violations properly as needed to support enforcement actions, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Photos in the report show horrific cruelty. Recent data indicates this problem remains.

**The HSUS's annual Horrible Hundred reports, including the report released in May 2018,** have documented instances of breeders with numerous and egregious USDA violations spanning many years who remain licensed.

### Other recent steps in the wrong direction include:

- May 2018: A USDA tech note explained that facilities can now self-report to avoid having certain violations identified in the records, even some critical violations, if they follow certain guidelines.
- April 2018: USDA announced a pilot program that will alert some facilities about upcoming inspections in advance. This allows breeders time to cover up violations or even hide sick or injured dogs.
- April 2018: USDA confirmed to the HSUS that it had not revoked a single dog breeder license in the last year, despite overwhelming evidence of animal mistreatment and poor conditions at many operations.
- January 2018: USDA announced a proposal to allow third party groups to inspect puppy mills. This would have allowed industry groups that have a financial stake in perpetuating puppy mills to be part of the inspection process, which would be like putting a fox in charge of a henhouse. The proposal was abandoned in May 2018 due to widespread opposition.

<sup>1</sup> [https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm\\_term=.9e2ec9b47f39](https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm_term=.9e2ec9b47f39)

## Centers for Disease Control Investigation Into *Campylobacter* Outbreak Linked to Pet Store Puppies

### **CDC'S MORBIDITY AND MORTALITY WEEKLY REPORT (SEPT. 21, 2018)<sup>1</sup>**

- Puppies from breeders and distributors sold through pet stores are the source of multistate, multidrug-resistant outbreak of *Campylobacter* infections
- 118 persons, including 29 pet store employees, in 18 states were identified with illness onset during Jan. 5, 2016–Feb. 4, 2018
- 6 pet store companies were linked to the outbreak
- Outbreak strains were resistant to all antibiotics commonly used to treat *Campylobacter* infections
- 95% of pet store puppies studied received one or more antibiotic courses before arriving or while at the store, with a median antibiotic treatment duration of 15 days
- Just 1% of puppies that received antibiotics were given them for treatment only, while over half received antibiotics for prevention only, and the remainder for both treatment and prevention
- Risk for multidrug-resistant *Campylobacter* transmission to employees and consumers continues
- The CDC states that implementation of antibiotic stewardship principles and practices in the commercial dog industry is needed, and antibiotics should only be administered under veterinary supervision

### **CDC's FINAL OUTBREAK ADVISORY: MULTISTATE OUTBREAK OF MULTIDRUG-RESISTANT *CAMPYLOBACTER* INFECTIONS LINKED TO CONTACT WITH PET STORE PUPPIES (JAN. 30, 2018)<sup>2</sup>**

- Evidence indicated that contact with puppies sold through Petland stores were a likely source of a multistate outbreak of multidrug-resistant *Campylobacter* infections
- 113 people across 17 states<sup>3</sup> were infected and 23 people were hospitalized
- *Campylobacter* bacteria were resistant to commonly recommended, first-line antibiotics
- 99% of people reported contact with a puppy in the week before illness started, and 87% reported they had contact with a puppy from Petland stores, or had contact with a person who became sick after contact with a puppy from a Petland store; 25 of the ill people were Petland employees
- This multidrug-resistant outbreak highlights the need for responsible use of antibiotics in pets

### **RECORDS OBTAINED BY THE HSUS VIA FREEDOM OF INFORMATION ACT REQUEST TO CDC**

- One CDC official, Dr. Robert Tauxe, stated: "The puppy story is not over – it is difficult to control with a whole system that lacks hygiene at many points and seems to use antibiotics instead."
- Dr. Tauxe also declared: "We are collecting data on antibiotic exposure. Prophylaxis appears to be nearly universal...during transport and distribution, and at stores. We don't know what happens at the breeders. There seems to be no concept of stewardship."
- Emails between CDC and Petland officials indicate that Petland hindered the CDC investigation into the outbreak by having their lawyer work with state health departments instead of allowing the CDC to share vital information directly with those state agencies and by providing incomplete information.

### **VICKY DENTON V. LAMAR B. PARKER AND PETS BKG, LLC D/B/A PETLAND KENNESAW (JULY 2018)**

- In July 2018, in Georgia state court in Fulton County, a victim of this outbreak filed a lawsuit against a Petland store in Kennesaw, GA

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<sup>1</sup> [https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm?s\\_cid=mm6737a3\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm?s_cid=mm6737a3_w)

<sup>2</sup> <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>

<sup>3</sup> States of residence of people infected with *Campylobacter*: Connecticut (2), Florida (21), Georgia (4), Illinois (11), Kansas (7), Massachusetts (2), Maryland (5), Missouri (2), New Hampshire (2), New York (2), Ohio (32), Oklahoma (1), Pennsylvania (6), Tennessee (2), Utah (3), Wisconsin (8), Wyoming (3).

- **Tech Times:** *Pet Store Puppies Spread Drug-Resistant Diarrhea To Over 100 People: CDC* (Sept. 21, 2018)
- **Miami Herald:** *Pet store puppies have spread an antibiotic-resistant illness to over 100 people, CDC says* (Sept. 21, 2018)
- **The Verge:** *Puppies spread antibiotic-resistant bacteria in recent diarrhea outbreak* (Sept. 20, 2018)
- **Time:** *Pet Store Puppies Are Linked to Drug-Resistant Infections In People* (Sept. 20, 2018)
- **CNN:** *Puppies to blame for drug-resistant infection in 118 people* (Sept. 20, 2018)
- **NPR:** *Pet Store Puppies Linked To Campylobacter Outbreak In People* (Sept. 12, 2018)
- **AVMA:** *Puppies linked to 100-plus Campylobacter illnesses* (Feb. 28, 2018)
- **WSB-TV 2 Atlanta:** *Teen contracts dangerous germ from puppy bought at Petland* (Feb. 9, 2018)
- **CBS 46 Atlanta:** *Drug resistant disease spreading from puppies to people* (Jan. 31, 2018)
- **Chicago Daily Herald:** *Recent bacterial outbreak linked to pet store puppies* (Jan. 27, 2018)
- **NBC 10 News:** *MA, CT involved in multi-state infection linked to pet store puppies* (Jan. 24, 2018)
- **WSB-TV 2 Atlanta:** *Deadly virus leads state inspectors to investigate pet store* (Jan. 12, 2018)
- **USA Today:** *A Christmas puppy: the tail of animal welfare* (Dec. 20, 2017)
- **WSB News Atlanta:** *More people are sickened by Petland puppies* (Dec. 13, 2017)
- **WSB Radio:** *More people are sickened by Petland puppies* (Dec. 13, 2017)
- **Wichita Eagle:** *Puppy poop infection tally rises; 93 percent linked to Petland* (Nov. 2, 2017)
- **Wink News:** *Multistate outbreak of Campylobacter infection linked to puppies* (Oct. 31, 2017)
- **Johns Hopkins News-Letter:** *Pet store puppies cause big bacteria outbreak* (Oct 19, 2017)
- **Forbes:** *Puppies linked to bacterial infection outbreak across 12 states* (Oct. 6, 2017)
- **WTSP 10 News:** *CDC investigating Campylobacter outbreak linked to puppies* (Oct. 6, 2017)
- **WSB-TV 2 Atlanta:** *Puppies infect dozens of people with antibiotic-resistant bacteria, CDC says* (Oct. 5, 2017)
- **10News Knoxville:** *CDC: 2 people from TN sick after contact with puppies at Petland* (Oct. 5, 2017)
- **Pet Product News:** *CDC expands investigation of human Campylobacter infections linked to pet store puppies* (Oct. 4, 2018)
- **Newsweek:** *Sick puppy: Infections caused by Petland dogs don't respond to antibiotics* (Oct. 3, 2017)
- **Fox News:** *Puppies sold at Petland linked to multi-state Campylobacter outbreak* (Sept. 18, 2017)
- **USA Today:** *Petland responds to puppy poop-linked infections, says no known cases prior to CDC advisory* (Sept. 13, 2017)
- **The Washington Post:** *Pet store puppies linked to bacterial outbreak among people in 7 states, CDC says* (Sept. 11, 2017)

# Kitsap Aware

A Forum Series on Justice and Citizenship

## Adopt, Don't Shop

The Movement to Ban Puppy Mill Sales

Saturday, May 4 🌿 3-5 PM

Our Nation has a Puppy Mill Problem  
And So Does Washington State!

Some local pet stores import animals from out-of-state breeders because Washington law has effectively made the business of commercial breeding unprofitable.

The US Department of Agriculture has been woefully negligent in inspecting facilities and enforcing the Federal Animal Welfare Act, and the current administration is actively encouraging inspectors to overlook violations.

Puppy mill operations can have far-reaching and devastating consequences, not only for the animals but also for humans. The Centers for Disease Control and Prevention has documented links between commercial dog-breeding facilities and disease outbreaks.

Join our forum to explore what is being done locally and at the state and national levels to enact laws that protect our innocent furry friends and ourselves.



**Suquamish United Church of Christ**  
**18732 Division Ave. NE, Suquamish**

**Admission Free (donations for expenses accepted)**

We embrace inclusion, respect, and fairness for all in our actions.

<https://sites.google.com/view/kitsapaware/home> northkitsapindivisible@gmail.com

Sponsored by North Kitsap Indivisible, Resisterhood360, Indivisible Bainbridge Island, Kitsap Progressive Action Network, West Sound for Social Justice

Dear Commissioner Gelder:

I am Dr Carollynn Zimmers and I have practiced emergency, critical care and referral veterinary medicine in Kitsap County since 1983. I have submitted a written statement as well. We are not speaking under oath. We cannot be accused of perjury. Please listen carefully, because you will hear untruths, myths, biased information, and many statements that cannot be documented from people speaking against this ordinance. I know this to be true because of testimony given in Olympia during the legislative session this year for a similar ban on puppy mill sales. I can speak to this because I am an expert on this issue. I had personal contact with many puppies and kittens from pet stores over the years and my medical education and training alerts me to unscientific statements.

The argument that this ordinance is anti-business is groundless. The job of government is to protect the public from exploitation, protect its citizens by limiting what businesses can do to earn money and set standards that are good for the community. That is why we have laws to protect our Orcas, to prevent drunk driving, to stop individuals and businesses from stealing, to limit interest rates that are predatory, to prevent bars next to schools, the list goes on. Laws protect humans and animals. Citizens want you to make our community a better place. You can do this by approving this ordinance

Some false claims you might hear:

The leading cause of blindness in children is caused by a dog parasite from rescue animals. **NOT EVEN REMOTELY TRUE**

Preventing puppy sales in pet stores limits choice. **NOT TRUE.** You can still purchase a puppy from an AKC (American Kennel Club) breeder locally. Those breeders will not put their puppies in a pet store.

Puppies for sale in pet stores are from local breeders. **NOT TRUE.** AKC breed clubs Member Code of Ethics prevents this. Over 95% of puppies sold in pet stores in WA are imported from out of state including our local pet store in Silverdale.

Purpose bred animals are healthier than rescue animals. **NOT TRUE.** Purpose bred means purebred or inbreeding. Animals with mixed DNA or genes have **hybrid vigor** which makes them much more genetically healthy with a better immune system than purebreds.

Animals from USDA licensed facilities are healthier than rescue animals. **NOT TRUE.** USDA is a government run agency that is business oriented and sets minimal standards that are rarely followed.

A health certificate insures only healthy animals will be sold in pet stores. **NOT TRUE.** As a veterinarian, I could issue a health certificate or CVI (Certificate of Inspection) to a room full of animals without ever actually touching one of them and that is how these certificates are usually generated by the veterinarian hired to do so by the puppy mill.

Getting a pet from a USDA inspected puppy mill will insure a certain pedigree. **NOT TRUE.** The supposed lineage of a puppy is often fraudulent.

A puppy bred in a USDA puppy mill insures a good disposition or a guarantee that it will be well adjusted. **NOT TRUE.** They are not properly socialized as proven by the AVMA (American Veterinary Medical Association).

My time is up but I have many more examples of false testimony that you may hear tonight. I will submit my written statement.

Thank you for the opportunity to be heard. Please vote yes on the Ordinance.



Dear Commissioner Wolfe:

I am Dr Carollynn Zimmers and I have practiced emergency, critical care and referral veterinary medicine in Kitsap County since 1983. I have submitted a written statement as well. We are not speaking under oath. We cannot be accused of perjury. Please listen carefully, because you will hear untruths, myths, biased information, and many statements that cannot be documented from people speaking against this ordinance. I know this to be true because of testimony given in Olympia during the legislative session this year for a similar ban on puppy mill sales. I can speak to this because I am an expert on this issue. I had personal contact with many puppies and kittens from pet stores over the years and my medical education and training alerts me to unscientific statements.

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Dear Commissioner Garrido:

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Thank you for the opportunity to be heard. Please vote yes on the Ordinance.

I am Dr Carollynn Zimmers and I have practiced emergency, critical care and referral veterinary medicine in Kitsap County since 1983. I am writing in response to your biased article entitled "Kitsap County eyes ban on retail dog, cat sales". The article gave a great deal of space to the owner of Farmland, a well-known seller of factory farmed animals from a notorious puppy mill mentioned in the article. Why did you not interview other Stakeholders such as the Veterinary Community?

Preventing puppy sales in pet stores does not limit choice nor is it anti-business. You can still purchase a puppy from an AKC (American Kennel Club) breeder locally. Those breeders will not put their puppies in a pet store. AKC breed clubs Member Code of Ethics prevents this.

Animals bred in Puppy Mills are stressed and suffer inhumane treatment from the day they are born to the time they are purchased. They are shipped inhumanely across country to pet stores with a compromised immune system and lack of socialization. Health Certificates (Certificate of Inspection) will not insure a healthy pet or a specific pedigree.

The USDA is tasked to enforce the AWA (Animal Welfare Act) which sets minimal standards that are rarely followed. Inspections are limited and enforcement is almost non-existent. Currently, the agency has prevented citizens from viewing the inspections reports, requiring a FOIA request. Those reports are heavily redacted and it takes months to get a response.

## The people have spoken: No more puppy mill dogs in pet stores

To drcarollynn <drcarollynn@comcast.net>

A Humane World  
Amy Block's Blog

# The people have spoken: No more puppy mill dogs in pet stores

April 16, 2019



*To date, 300 local governments of all sizes and demographics across twenty-four states, have enacted policies to halt the sale of puppy mill puppies in retail settings. We hope to continue this trend as more state and local governments consider these ordinances. Photo by Angie Ingram*

The pursuit and promotion of humane business models for pet stores carries so much promise in our work, and we're gaining ground in our campaign to halt the sale of puppy mill puppies in retail settings. To date, 300 local governments—cities, towns and counties—of all sizes and demographics across twenty-four states, have enacted such policies at the urging of concerned residents.

The movement to prohibit the sale of commercially-raised dogs, cats and sometimes rabbits, in pet stores has been community-driven from the beginning, when the first such ordinance passed in Albuquerque, New Mexico in 2006. In case after case, people who learned the truth about where the puppies in the pet store windows came from and how often they were sick took the issue to elected officials. And those officials have listened.

This local movement also paved the way for state laws on the subject. When California enacted this policy statewide in 2017, thirty-six localities including, Los Angeles, San Diego and San Francisco had already done so. And, last year, when Maryland became the second state to ban the sale of puppies and kittens in pet stores, its largest county—Montgomery County—had already placed a similar law on the books.

The HSUS Stop Puppy Mills Campaign has strongly backed these local and state efforts, assisting local advocates and lawmakers, and our attorneys have successfully defended many of these laws. Now, we've turned our attention to New York, the state with the largest number of puppy-selling pet stores. We are working closely with New York State Senator Michael Gianaris of Queens and Assemblywoman Linda B. Rosenthal of Manhattan, as well as coalition of national and New York-based animal protection organizations, to ensure their legislation (S. 4234/A.6298) becomes law. It would require over 80 pet stores in the state to convert to a business model that does not rely on the sale of puppies, kittens and rabbits raised in cruel mills. Instead, stores would strengthen their profit centers by selling products and offering services. They'd also be encouraged to host adoption events with shelters and rescues.

The primary goal of these state and local laws is to decrease the demand for puppy mill puppies until it is no longer profitable for commercial breeders to confine hundreds of dogs to small, wire cages and breed them continually to churn out as many puppies as possible. These laws also spare young puppies the trauma of spending their early lives in a retail store. And none of these laws would prevent people from getting a puppy directly from a responsible breeder in person.

Our recent investigations of pet stores in Georgia, Nevada, New York, Virginia and other areas have demonstrated that pet stores often hide information concerning the source of their animals and those animals' poor treatment from the public.

Instead of cleaning up its act, and respecting the will of the people in localities that have said no to puppy mills, puppy selling pet stores

have been lobbying behind the scenes to overturn local ordinances. [Petland](#) has invested heavily in nearly a dozen states this year, trying to pass legislation that would strip localities of their right to set standards for pet stores, and void existing local laws. So far, these efforts have backfired, as state after state has rejected these counterattacks. For our part, we've made sure that the resulting media coverage continues to put a spotlight on puppy mills and the stores that sell their puppies.

If you live in New York, Pennsylvania, Rhode Island, Massachusetts or Maine please let your state lawmakers know you support legislation prohibiting the sale of puppy mill puppies in pet stores. And wherever you live, please talk to your local elected officials and to other citizens about the challenge of puppy mills and the important work that we're doing to end their abuses. This campaign has a true grassroots spirit and energy, and it's sweeping the nation. Let's keep it that way.

The post [The people have spoken: No more puppy mill dogs in pet stores](#) appeared first on [A Humane World](#).

## Related Stories

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- [Lawmakers, businesses honored for their work to help animals](#)
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# **Farmland Pets Puppy Mill Pipeline**

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**APRIL 10**

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**Bailing Out Benji**

**Authored by: Ashly Dale-Washington State  
Team Leader**



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## What is a puppy mill?

A puppy mill is an inhumane, large scale breeding facility where profit is more important than the welfare of the dogs. Females are bred heat after heat until their bodies can no longer withstand the abuse. Puppy mill dogs are forced to spend their entire lives in cramped cages, stacked one on top of the other, never knowing the feeling of grass under their paws.

## Puppy Mill Statistics

- 10,000: Estimated number of puppy mills in the U.S. (both licensed and unlicensed).
- 1,902: Number of USDA Class A and B licensed facilities that breed dogs for the pet trade.
- 165,474: Estimated number of dogs kept solely for breeding purposes in USDA licensed facilities.
- 107,558: Estimated number of female dogs kept for breeding at USDA licensed facilities.
- 1,011,046: Estimated number of puppies produced by USDA licensed facilities each year.
- 2.02 million: Estimated number of puppies sold annually who originated from puppy mills – USDA licensed and non-USDA licensed.
- Puppy mills are LEGAL. This is a common misconception among the general public.
- Puppy mills sell their puppies in pet stores, the newspaper or on websites that ship straight to your home.

\* These statistics are sourced from the Humane Society of the United States (HSUS)

## Puppy Mill Puppy Facts

- Dogs from puppy mills are prone to many congenital and heredity conditions due to conditions that the parents and puppies are forced to live in.
- The dogs being bred in puppy mills are not OFA (Orthopedic Foundation for Animals) tested. Dogs with poor OFA ratings would never be bred by a reputable breeder.
- Puppy mill puppies show an increased prevalence for behavioral problems as an adult as they do not receive the necessary human contact and socialization that is so critical when a puppy is between 3-16 weeks of age. Puppy mill puppies are often removed from their mother and litter mates at just 6 weeks old.

\*Facts are sourced from the Humane Society Veterinary Medical Association (HSVMA) & UC Davis.

**Farmland Pets and Feed – 9000 Silverdale Way NW, Silverdale, WA 98383**

1. Sharon Monk, BJ's & Guys. Menlo, Kansas- 755 adult breeding dogs, 425 puppies. Not only are they a very large-scale puppy mill, but they have a history of violations including too many dogs in cages, and structurally unsound cages. They were also named one of the worst puppy mills in the entire country.

**KANSAS CERTIFICATE OF VETERINARY INSPECTION**  
 Quoted State of Destination for Movement Requirements and Certificate Validity  
 FOR FOREIGN SHIPMENTS (Outside United States or Leaving United States) USE FEDERAL FORM

Certificate Number  
**48-CVI 081332**

Certificate is only valid for 30 days from inspection.

**OFFICIAL USE ONLY**  
 The Veterinarian issuing this certificate is accredited and has been authorized to inspect animals and issue certificates.

Consignor - General Packer or Origin <b>BJ'S &amp; GUYS</b> Physical Address of Consignor 562 S RD 150 W City: <b>Menlo</b> State: <b>KS</b> Zip Code: <b>67153</b> County: <b>SD</b> Phone Number: <b>785-855-2251</b> Consignor's Address (if different):		Consignee - General Packer or Destination <b>FARMLAND PETS &amp; FEED</b> Physical Address of Addressee 9000 SILVERDALE WAY NW SILVERDALE WA 98383 City: <b>Silverdale</b> State: <b>WA</b> Zip Code: <b>98135</b> Phone Number: <b>360-692-0415</b> Location ID#		Business Name Physical Address City State Zip Code Phone Number Consignee's Address (if different)
Species/Number in Shipment: <input type="checkbox"/> Horses # <input type="checkbox"/> Sheep # <input type="checkbox"/> Goats # <input type="checkbox"/> Swine # <input type="checkbox"/> Canine # <input checked="" type="checkbox"/> Canine # <b>10</b> <input type="checkbox"/> Feline # <input type="checkbox"/> Other #		Breed/Type Accredited Free Per: <input type="checkbox"/> Tuberculosis <input type="checkbox"/> Brucella <input type="checkbox"/> Scrapie <input type="checkbox"/> NPIP <input type="checkbox"/> John's <input type="checkbox"/> PRV <input type="checkbox"/> CWD <input type="checkbox"/> Other (specify)		Herd/Flock # Current State/Area Status: <input type="checkbox"/> Tuberculosis <input type="checkbox"/> Brucella <input type="checkbox"/> Other (specify)

INDIVIDUAL ANIMAL IDENTIFICATION AND TESTS										OTHER TESTS, VACCINATIONS/TREATMENT	
OFFICIAL PERMANENT ID	REGISTRY NAME, NUMBER, DESCRIPTION OR OTHER ID	AGE (M/Y)	SEX	BREED	DATE POSSED	DATE POS/NEG	DATE POS/NEG	DATE POS/NEG	DATE POS/NEG	DATE POS/NEG	DATE POS/NEG
31	RED	11-3-18	M	CHOWHUAHA/NITE							
32	GOLD	11-3-18	F	GOLDEN							RECEIVED
38	S/W	11-3-18	M	WHEAT							JAN 07 2019
45	G/S/B	11-3-18	M	KEESHOND							
46	G/S/B	11-3-18	F	KEESHOND							
7	WHEAT	11-3-18	M	WHEAT							KS Dept of Agriculture
14	S/W	11-3-18	M	SHELTIE							
20	S/W	11-3-18	F	SHELTIE							
40	CRN	11-3-18	F	SHIBA							
54	WHEAT	11-3-18	M	SC WHEATIE							

<b>OWNER/AGENT STATEMENT</b> "The animals in this shipment are those certified to and listed on this certificate." Signature: <i>[Signature]</i> Date: <b>12-28-18</b>	<b>VETERINARY CERTIFICATION</b> - I certify, as an accredited veterinarian that the above described animals have been inspected by me and that they are not showing signs of infectious, communicable and/or communicable disease (except where noted). The vaccinations and results of tests are indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements. No further warranty is made or implied. Signature: <i>[Signature]</i> Date: <b>12-28-18</b> Printed Name: <b>MARK R OLSON, DVM</b> Address: <b>1367 N HWY 23, HOXIE, KS 67740</b> Phone Number: <b>785-675-3378</b> Email: USDA Accreditation #: <b>059683</b> State of License: <b>KANSAS</b> License #: <b>4833</b>
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DISTRIBUTION: WHITE: Veterinary Statement; CANARY: Issuing Veterinarian; PINK: State Veterinarian; Green: Dog

Kansas Department of Agriculture  
Division of Animal Health  
1320 Research Park Dr.  
Manhattan, KS 66502  
(785) 364-6801

### KANSAS CERTIFICATE OF VETERINARY INSPECTION

Control State of Destination for Movement Requirements and Certificate Validity  
FOR FOREIGN SHIPMENTS (Outside United States or Leaving United States) USE FEDERAL FORM

Certificate Number

48-CVI 081339

Certificate is only valid for 30 days from inspection.

**OFFICIAL USE ONLY**

The Veterinarian issuing this certificate is accredited and has been authorized to inspect animals and issue certificates.

<b>First Name</b> R. J. & G. J.		<b>Last Name</b> 		<b>First Name</b> 		<b>Last Name</b> 		<b>Business Name</b> 		
<b>Physical Address of Animals</b> 362 S RD 150 W				<b>Physical Address of Animals</b> FARMLAND PETS & FEED 8000 SILVERDALE WAY NE SILVERDALE WA 98283				<b>Physical Address</b> 		
<b>City</b> MONTICELLO	<b>State</b> KS	<b>Zip Code</b> 67733	<b>County</b> SD	<b>City</b> 	<b>State</b> 	<b>Zip Code</b> 	<b>Phone Number</b> 	<b>Carder</b> 	<b>Purpose of Movement</b> SALES	
<b>Phone Number</b> 785-635-1221				<b>Phone Number</b> 				<b>Location ID#</b> 		<input type="checkbox"/> Interstate <input type="checkbox"/> In-State
<b>Consignor's Address (if different)</b> 				<b>Consignee's Address (if different)</b> 				<input type="checkbox"/> Print Reassigned		<input checked="" type="checkbox"/> Interstate <input type="checkbox"/> In-State

Species/Number in Shipment:  Beef Cattle #  Dairy Cattle #  Poultry/Other Accredited Free For:  Horses/Flock #  Swine #  Other #  Current State/Area Status:  Tuberculosis  Brucellosis  Scrapie  MPP  Other (specify):

**Disease Certification Statements**

INDIVIDUAL ANIMAL IDENTIFICATION AND TESTS						Date		Date		OTHER TESTS
REGISTRY NAME, NUMBER, DESCRIPTION OR OTHER ID						Name		Name		VACCINATIONS/TREATMENT
OFFICIAL PERMANENT ID	AGE	SEX	BREED	DATE	ROB/REG	DATE	POS/NEG	Please list date & product used		
5	10-21-18	M	SHETLAND							
54	11-7-18	F	SPICER							
69	11-9-18	F	BEAUFORT							
87	11-9-18	F	CHEYBONDA							
92	11-9-18	M	DOUGHERTY							
98	11-9-18	M	HORNET							
90	11-10-18	M	JACK RUSSELL							
116	11-12-18	F	MIX BLD							
125	11-13-18	M	PV CORGI							
128	11-13-18	F	SH CORGI							
94	11-14-18	M	DOG							
122	11-14-18	F	SHETLAND						JAN 23 / 19	

<b>ORIGINATOR STATEMENT</b> "The animals in this shipment are those certified to and listed on this certificate." Signature: <i>[Signature]</i> Date: 1-3-19	<b>VETERINARY CERTIFICATION</b> - I certify, on an accredited institution that the above described animals have been inspected by me and that they are all showing signs of tuberculosis, brucellosis, scrapie, and other communicable diseases (except when waived). The vaccinations and results of tests are indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements. No further warranty is made or implied. Signature: <i>[Signature]</i> Date: 1-8-19 Printed Name: KAREE K. OLSON, DVM Address: 1367 N HWY 23, HOKIE, KS 67740 Phone Number: 785-675-3378 Email: USDA Accreditation #: 059683 State of License: KANSAS License #: 4833
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DISTRIBUTION: WHITE: Accompany shipment. CANARY: Issuing Veterinarian. PINK: State Veterinarian - Origin

Kansas Department of Agriculture  
 Division of Animal Health  
 1320 Research Park Dr.  
 Manhattan KS, 66502  
 (785) 564-6601

### KANSAS CERTIFICATE OF VETERINARY INSPECTION

Control State of Destination for Movement Requirements and Certificate Validity  
 FOR FOREIGN SHIPMENTS (Check United States or Leaving United States) USE FEDERAL FORM

Certificate Number

48-CVI 081345

Certificate is only valid for 30 days from inspection.

OFFICIAL USE ONLY

The Veterinarian issuing this certificate is accredited and has been authorized to inspect animals and issue certificates.

First Name: <u>MARK R OLSON</u> Last Name: _____ Physical Address of Animal: _____ City: _____ State: _____ Zip Code: _____ County: _____ Phone Number: _____ Location ID#: _____ Consignor's Address (if different): _____		First Name: _____ Last Name: _____ Physical Address of Animal: <u>HAWKLAND PETS &amp; FEED</u> <u>3000 SILVERDALE WAY NE</u> <u>NEWCASTLE, MO 64563</u> City: _____ State: _____ Zip Code: _____ Phone Number: _____ Location ID#: _____ Consignee's Address (if different): _____		Business Name: _____ Physical Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number: _____ Carrier: _____ Purpose of Movement: _____ <input type="checkbox"/> Interstate <input type="checkbox"/> Intrastate	
Species/Number in Shipment: <input type="checkbox"/> Beef Cattle # _____ <input type="checkbox"/> Dairy Cattle # _____ <input type="checkbox"/> Horses # _____ <input type="checkbox"/> Sheep # _____ <input type="checkbox"/> Goats # _____ <input type="checkbox"/> Swine # _____ <input type="checkbox"/> Canines # _____ <input type="checkbox"/> Cats # _____ <input type="checkbox"/> Felines # _____ <input type="checkbox"/> Other # _____		Poultry/Meat Accredited Free For: <input type="checkbox"/> Hard Flock # _____ <input type="checkbox"/> Tuberculosis <input type="checkbox"/> Brucellosis <input type="checkbox"/> Scrapie <input type="checkbox"/> NPIP <input type="checkbox"/> John's <input type="checkbox"/> PRV <input type="checkbox"/> CWD <input type="checkbox"/> Other poultry		Current Status/Area Status: Tuberculosis: _____ Brucellosis: _____ Other (specify): _____	

INDIVIDUAL ANIMAL IDENTIFICATION AND TESTS										OTHER TESTS, VACCINATIONS/TREATMENT	
OFFICIAL PERMANENT ID	REGISTRY NAME, NUMBER, DESCRIPTION OR OTHER ID	AGE	SEX	BREED	DATE	POS/NEG	DATE	POS/NEG	Please list date & product used		
185	GR/WZY	11-06-18	M	AUSSIE							
161	SH/N	11-18-18	F	AUSSIE/MIX							
38	DU/D	11-07-18	F	GOLDEN							
177	WH/ER	11-20-18	F	WHEAT							
131	TEL	11-17-18	M	LAB							
152	TEL	11-10-18	F	LAB							
84	L/BKS/WH	11-09-18	M	LHANA							
184	BL/WH	11-17-18	M	POODLE						JAN 31 2019	
21	BL/N	11-09-18	F	SHETL							
198	BL/N	11-20-18	M	SHETLAND							

<b>DISSEMINATION STATEMENT</b> The animals in this shipment are found certified based on the information on this certificate.	<b>VETERINARY CERTIFICATION</b> - I certify, as an accredited veterinarian, that the above described animals have been inspected by me and that they are not showing signs of infectious, zoonotic or other communicable disease (except where noted). The vaccinations and results of tests are indicated on the certificate. To the best of my knowledge, the animals fulfill the requirements for the state of destination and federal interstate requirements. No further warranty is made or implied.
Signature: _____ Date: <u>1-10-19</u>	Printed Name: <u>MARK R OLSON, DVM</u> Address: <u>1367 W HWY 23, BOX 18, BOXER, KS 67740</u> Phone Number: <u>785-675-3378</u> Email: _____ USDA Accreditation #: <u>059683</u> State of License: <u>KANSAS</u> License #: <u>4833</u>

DISTRIBUTION: WHITE: Accreditory Statement. CANARY: Issuing Veterinarian. PINK: State Veterinarian. Origin.

## The HSUS listed BJ's & Guys as one of the worst puppy mills in the country in 2017.

care, including some who were underweight with prominent hip bones and ribs. KS # CB000U5L.

**FOURTH TIME IN THIS REPORT.**

- **NEW/ Sharon Munk, BJ's & Guys, LLC, Menlo, Kansas – FACILITY WITH OVER 1,100 DOGS FOUND WITH DANGEROUS HOUSING, POOR TEMPERATURE CONTROL, THREE DOGS IN NEED OF VETERINARY CARE; RECEIVED OFFICIAL WARNING FROM USDA.** Multiple violations were found by USDA inspectors at BJ's & Guys, LLC in 2016, including a shih tzu with a swollen, red eye that had a copious, thick discharge; a pomeranian with scabs and hair loss; and a pug with an eye disorder. In addition, puppies were found with their feet dangling through 1 inch gaps in the wire flooring, a condition that could lead to serious injury or leg entrapment; some of the adult dogs were found sticking their heads through unsafe gaps in their cages; and some of the housing had flaking paint and rust that in some areas was so advanced that it was affecting structural safety (a repeat violation), according to USDA reports. In addition, an inspection found two of the buildings with excessively hot conditions in July 2016, with one building reaching a high of 91.9 degrees and another reaching a high of 87.6 degrees Fahrenheit. The USDA inspector noted that these conditions could lead to heat stress in the dogs.

In June 2016, BJ's & Guys received an official warning from the USDA for a lack of adequate veterinary care, related to a direct violation that occurred in January 2016.

BJ's & Guys is thought to be the largest breeder/ broker in Kansas, with 755 adult dogs and 425 puppies found at a federal inspection in July 2016, a total of 1,180 animals. All the violations noted above were found in July 2016, with the exception of the pug with the eye condition, which was noted during a focused (follow-up) inspection in January 2016. Inspectors also found violations in 2015 and 2014. USDA # 48-B-0081.

- **NEW/ Teresa Osborn, Spring Hill, Kansas –FAILED DECEMBER 2016 STATE INSPECTION FOR SANITATION PROBLEMS, DOGS IN THE COLD; SOME DOGS IN WIRE CRATES SO SMALL THAT THEIR HEADS TOUCHED THE TOP.** Osborn failed a state inspection in December 2016 due to several problems, including at least two dogs who were kept outside in the December cold without a dog house that was large enough for both dogs to fit in; dogs also did not have enough clean bedding to protect them from the outdoor cold, according to the state inspection report. In addition, the indoor area had a "buildup of mud, debris and hair" on the floors, walls and crates, and several dogs were in crates so small that their heads were touching the top. Records show that issues with cleaning, maintenance and housekeeping were found during a September 2015 state inspection as well, although the licensee passed that inspection. Notes from that visit indicate the Kansas Department of Agriculture went out to investigate a complaint. The report noted that the breeder's soil and well water were contaminated with Giardia and that the breeder was treating the animals for it "when symptomatic."

The state record also noted that the facility most likely would be required to have a USDA license due to the modes of sale used; however, HSUS researchers could find no record of a USDA license for the facility months later (March 23, 2017). Despite the fact that it has no USDA license to sell online, the facility appears to be offering puppies for sale via PuppyFind.com, a classified site that The HSUS has linked to numerous questionable breeders and puppy mills, as well as its own websites, stoneridgecavaliers.com, stoneridgemi-kis.com and stoneridgeshepherds.net, among others. KS #CB0015KA.

- **Peggy Pierce, Pierce's Kennels, Narka, Kansas (REPEAT OFFENDER) –OWNER FAILED STATE INSPECTION FOR RAT INFESTATION AND DIRTY CONDITIONS; SOLD PUPPIES TO THE HUNTE CORPORATION (NOW CALLED CHOICE PUPPIES).** Pierce last appeared in our 2015 Horrible Hundred report due to failing to meet AWA standards during at least eight different USDA inspections. During 2016, state inspectors found many additional problems. In May 2016, Pierce failed a state inspection for multiple issues, including filthy conditions, a rat infestation, and some dogs were found in pens that were rusty or did not have adequate shade or shelter from the elements.

As we stated in our 2015 Horrible Hundred report, there have been numerous violations found by federal inspectors in years past. In November 2014, a USDA inspector found an adult male shih tzu mix at Pierce's Kennels who had "matted hair on its back, hindquarters, face, ribs and rear legs covering



### Inspection Report

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: **4111**  
Certificate: **48-B-0081**  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: Jul-11-2016

**2.40 (b) (2) REPEAT DIRECT NCI**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

Female, adult Shih Tzu with tag number 12 has an eye problem. The lower lid of the right eye is very swollen, red and the edge is uneven. There is copious thick, light colored discharge around the eyelids and in the eye. There is also discharge in the fur around the right eye area and on the face below the eye. The "white" of the eye is not red. This dog has not been evaluated by a veterinarian. Eyelid problems can be caused by trauma, eyelid conformation, and other problems, can be painful, and can affect the eye and vision.

Female, adult Pomeranian with tag number 48 was seen repeatedly rubbing the right side of her back and rear end on the cage wall. When examined, she has an area of thickened, bumpy skin with a few scabs covering about half of the right side of her tail and next to the head of the tail. She also has a firm, hairless mass on the right side of her back. The skin in this area is dry and mildly rough. The licensee states this dog has been "dipped" for parasites but has not been evaluated by a veterinarian. Skin problems can be caused by infection, parasites, and other medical problems and can be itchy and painful. The rubbing on the cage wall shows that this condition is uncomfortable or itchy for this dog.

The animals listed above must be examined by a licensed veterinarian in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. This information, including the diagnosis, treatment and resolution of the condition, must be documented and made available to the inspector upon request.

**3.1 (a) HOUSING FACILITIES, GENERAL.**

There were dogs in two enclosures that were observed pushing the covers to their enclosures up and sticking their heads between the covers and enclosure walls. Dogs can be injured when not securely contained in their enclosures. All enclosures must be constructed in a manner that securely contains the animals and protects them from injury. The dogs in one enclosure were moved to an enclosure with a secure top at the time of the inspection. Correct by 19 July 2016.

Prepared By: **KENDALL LUNDY, A C I**  
KENDALL D LUNDY, A.C.I. USDA, APHIS, Animal Care  
Title: ANIMAL CARE INSPECTOR Inspector 4015

Date:  
Jul-12-2016

Received By: **(b)(6), (b)(7)(c)**  
Title:

Date:  
Jul-12-2016



## Inspection Report

3.1 (c) (1) (i) REPEAT

### HOUSING FACILITIES, GENERAL.

There are metal panels located along the lower edges of the outdoor portions of several enclosures of the "Mini Motel" building and the southwest quadrant of the "Free Willy" building that have flaking paint and are starting to rust. The expanded metal on the northeast side of the "Village" building is rusting with some structural loss. Surfaces that have flaking paint and are rusted cannot be readily cleaned and sanitized, as well as rust can affect structural strength. All surfaces must be maintained to allow them to be readily cleaned and sanitized and maintain structural integrity.

3.3 (a)

### SHELTERED HOUSING FACILITIES.

The ambient temperature in two buildings were recorded by the inspector's Kestrel to exceed 85 degrees F. The temperature recorded in the "Tiny Tyke" building at 2:15pm was 88.4 degrees F, at 3:50pm was 91.9 degrees, and 86.2 degrees F at 6:53pm. The temperature recorded in the "Nickel" building at 2:27pm was 86.9 degrees F, at 4:05pm was 87.6 degrees F and 86.1 degrees at 6:45pm. These temperature readings were recorded on top of the dog enclosures at the end of the building farthest from the air conditioner (temperatures recorded approximately half-way in the building were at or below 85 degrees F). In addition to the air conditioner, there was one fan in both buildings. In the interim of temperature readings the facility representative had additional fans added to the buildings and had some of the windows covered with an opaque material. Temperatures above 85 degrees F may cause discomfort to the dogs and may lead to heat stress. The ambient temperature must not rise above 85 degrees F for more than 4 consecutive hours when dogs are present. Correct by 19 July 2016.

3.6 (b) (2) (x)

### PRIMARY ENCLOSURES.

There are puppies in at least two separate elevated enclosures on flooring with 1"X1" openings. Feet and legs of these puppies were observed passing through these openings. Flooring with openings too large for the animals feet may cause injury to the animals housed in those enclosures. Enclosures must have flooring that do not allow the dogs' feet to pass through any openings in the floor. Correct by 19 July 2016.

This routine inspection was conducted on 11 July 2016 with a facility representative, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI

The exit interview was conducted on 12 July 2016 with a facility representative, Dr. Margaret Shaver, VMO and Kendall Lundy, ACI.

Prepared By:	<b>KENDALL LUNDY, A C I</b>	
	KENDALL D LUNDY, A.C.I.	USDA, APHIS, Animal Care
Title:	ANIMAL CARE INSPECTOR	Inspector 4015
Received By:	<b>(b)(6) (b)(7)(c)</b>	
Title:		

Date:  
Jul-12-2016

Date:  
Jul-12-2016



**Inspection Report**

B J'S & Guys L L C  
Hc 1 Box 38  
Menlo, KS 67753

Customer ID: 4111  
Certificate: 48-B-0081  
Site: 001  
B J's & Guys L L C

Type: ROUTINE INSPECTION  
Date: 10-JAN-2017

**2.40(b)(2) DIRECT REPEAT**

**ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

An adult male Chinese pug with tag number 36 has an abnormal right eye. The surface of the right eye (cornea) appears to be dry and there is a large cloudy area on the cornea. The right eye protrudes from the socket more than the left one and the eyelids do not fully close over the right eye when the dog blinks. The "white" of the right eye is red and there are prominent blood vessels visible there. There was a crust on the upper and lower lids surrounding the right eye.

An adult female Chinese pug with tag number 21 has an abnormal right eye. The surface of the right eye (cornea) is dry and has a large area of cloudiness. The "white" of the eye has prominent blood vessels that are not present on the left eye.

Eye problems can be a result of trauma, infection, and other medical problems. They can be painful for the dog and have the potential to damage the eye. The licensee must have these dogs examined by a licensed veterinarian as soon as possible in order to obtain accurate diagnoses and appropriate treatment plans for the issue cited above. The outcome of this consultation must be provided, in writing, to the inspector upon request. This documentation should include the veterinary diagnosis, all diagnostic tests and the outcome of those tests that were performed by the veterinarian, any medications prescribed along with the dosing instructions, and entries on a log and/or calendar and/or animal health record that list when the medication is administered to the animals.

There should also be an entry at the end of the treatment to document the health status and condition of each animal at that point, to indicate a time frame to address current issues that require further veterinary treatment, and the need for follow-up and any further veterinary care prescribed.

The licensee must ensure that all animals showing potential signs of veterinary medical problems are evaluated in a timely manner by a veterinarian as part of the facility's programs of adequate veterinary care and that the facility use appropriate methods to prevent, control, diagnose, and treat diseases, and injuries at all times.

A female West Highland white terrier with tag number 61 and a Yorkshire terrier with tag number 30 had excessively long nails that were causing their toes to be mal-positioned. Failure to appropriately maintain nails can cause postural and gait abnormalities which could be painful for the dogs or lead to injuries. As part of the facility's

Prepared By: **KENDALL LUNDY, A C I**

KENDALL LUNDY USDA, APHIS, Animal Care

Date:  
10-JAN-2017

Title: ANIMAL CARE INSPECTOR 4015

Received By: [Redacted]

Date:  
11-JAN-2017

Title:





### Inspection Report

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programs of preventative veterinary care, the licensee must ensure that all animals receive appropriate nail care in a timely manner. The nails were trimmed by a facility employee during the inspection.

#### 3.6(a)(2)(ii)

##### PRIMARY ENCLOSURES.

There were two live electric power cords used for heating pads where the cord protectors are no longer protecting the cords. One cord was in the "Tot Spot" building being used for one litter of four puppies and one cord was in the "Bassinet" building in use for one female and her litter of 7 puppies. Live electric power cords could cause injury to the dogs if they are chewed by the dogs. All power cords must be installed in a manner that protects the animals from coming into direct contact with the cords. These were corrected at the time of the inspection.

This inspection was conducted with facility representatives on 10 Jan. 2017.  
The exit interview was conducted with facility representatives on 11 Jan. 2017.

##### Additional Inspectors

Dominique Engel, Veterinary Medical Officer

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<b>Prepared By:</b>	KENDALL LUNDY, A C I	<b>Date:</b>
	KENDALL LUNDY    USDA, APHIS, Animal Care	10-JAN-2017
<b>Title:</b>	ANIMAL CARE INSPECTOR 4015	
<b>Received By:</b>		<b>Date:</b>
		11-JAN-2017
<b>Title:</b>		

# Washington Puppy Mill Map



● < 50 Adult Dogs
● 50 - 150 Adult Dogs
● 150 - 200 Adult Dogs
○ Kitty Mill
● Pet stores that sell puppy mill dogs

Numbers current as of January 2017 from USDA and WA state records

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# Issues with Regulation of Washington Pet Stores

- The USDA standards are inadequate and not in the best interest of the animals. Dogs 'primary' enclosure only needs to be 6" wider and 6" taller than the dog.
- The Animal Welfare Act (AWA) only requires that research facilities are inspected annually. USDA licensed breeders are inspected based on 'risk'. If they pass their first inspection, they may not be inspected again for years.
- In 2017, the USDA restricted public access to enforcement records.



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## USDA's Lack of Transparency and Weakened Enforcement

### RESTRICTING PUBLIC ACCESS TO ENFORCEMENT RECORDS

In February 2017, the USDA abruptly deleted from its website inspection reports and enforcement records on some 9,000 licensed facilities that use animals, including commercial dog breeding operators, Tennessee walking horse show participants, roadside zoos, and animal research labs. These records had been available to the public in a searchable online database for years, and their removal makes it impossible for consumers, local and state governments, and the general public to determine which facilities are subjecting animals to abuse or otherwise failing to meet basic animal welfare standards. This action also makes it impossible for the public and other stakeholders to know how or whether the agency is meeting its obligations under the Animal Welfare Act. Public access to this information can influence consumer decision-making and plays an important role in deterring facilities from violating the law. Due to public outcry, over the last several months, the USDA has reposted some inspection reports for certain facilities, but continues to redact critical identifying details on thousands of records and omits other reports completely. In February 2018, more than 100 members of Congress sent a letter to Secretary Purdue expressing concern over this purge of information and, in March, Congress directed the USDA to restore these records as a part of the FY18 budget bill, but as of May 2018, nothing had changed.

- The USDA restricting public access has made it impossible to link an inspection report to a specific breeder.



Home > Inspection Reports

### Inspection Reports Search

To locate inspection reports prepared by Animal Care inspectors, you may enter information in the License/Registration Type and/or State fields and then click the "Search" button. Additional search options and information may be available for certain business entities, such as the names and addresses of corporations with commercial addresses. Click on the icon to the left of any entry to see the associated inspection report. To ensure that you receive accurate information, you must click the "Clear" button between every search.

License/Registration Type: BREEDER  
 City:   
 State: IA - IOWA  
 Zip Code:   
 Customer/Organization Name:   
 Customer Number:   
 Certificate Number: 42-B-0271  
 Search Clear

By default, the licensees/registrants information will be displayed. To view inspection reports, click on "View Inspection Reports" button. [View Inspection Reports](#)  
[View Licensees/Registrants](#)

### Licensees/Registrants Information

These records may be accessed only by using the search terms "License/Registration Type" and/or "State" or there are no entities found.

Set Screen Reader Mode On

### Inspection Reports Search

To locate inspection reports prepared by Animal Care inspectors, you may enter information in the License/Registration Type and/or State fields and then click the "Search" button. Additional search options and information may be available for certain business entities, such as the names and addresses of corporations with commercial addresses. Click on the icon to the left of any entry to see the associated inspection report. To ensure that you receive accurate information, you must click the "Clear" button between every search.

License/Registration Type: BREEDER  
 City:   
 State: IA - IOWA  
 Zip Code:   
 Customer/Organization Name:   
 Customer Number:   
 Certificate Number:   
 Search Clear

By default, the licensees/registrants information will be displayed. To view inspection reports, click on "View Inspection Reports" button. [View Inspection Reports](#)  
[View Licensees/Registrants](#)

### Licensees/Registrants Information

rows: 1 - 15 of 1134 Next >

Query Reports	Licensee/Registrant Information	Address
	License Type: BREEDER Status Date: 2001	State: IA
	License Type: BREEDER Status Date: 2004	State: IA
	License Type: BREEDER Status Date: 2001	State: IA
	License Type: BREEDER Status Date: 2013	State: IA
	License Type: BREEDER Status Date: 2003	State: IA
	License Type: BREEDER Status Date: 2014	State: IA

- 
- There are approximately 2,000 USDA 'dog breeders' in the United States and only 120 USDA inspectors nationwide. Those 120 inspectors inspect **ALL** USDA facilities (over 12,000). There are not enough inspectors nationwide to ensure facilities are inspected on a regular basis. Due to the lack of inspectors, inspections have significantly decreased over the years.

*"From October 2015 through September 2016, the agency initiated 239 cases under the AWA. Yet from October 2017 through June 2018, a nine-month window, the agency initiated only 15 cases. The report also reveals a drastic decrease in all other enforcement actions. Just two years ago the USDA assessed \$4 million in penalties versus \$163,000 so far this year."*

<https://www.asPCA.org/news/usda-enforcement-animal-welfare-act-hits-new-low>. Dated 8/10/18

- USDA licensees are able to cancel their current license and apply for a new one using the same address, owner and dogs. This allows them to hide from previous violations.

Three cities in Kitsap county have already enacted city-wide ordinances which prohibits dogs and cats bred in commercial breeding facilities to be sold in pet stores. Please protect all Kitsap County consumers from the unscrupulous practices of pet stores and protect the animals who are currently being exploited by implementing a county wide ordinance.

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Thank you!

For more information regarding the contents of this report, please contact:

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THE HUMANE SOCIETY  
OF THE UNITED STATES

*Farm land buys from  
BJ's + Guys who are on the  
Horrible 100 list  
See last page*

## The Horrible Hundred 2017

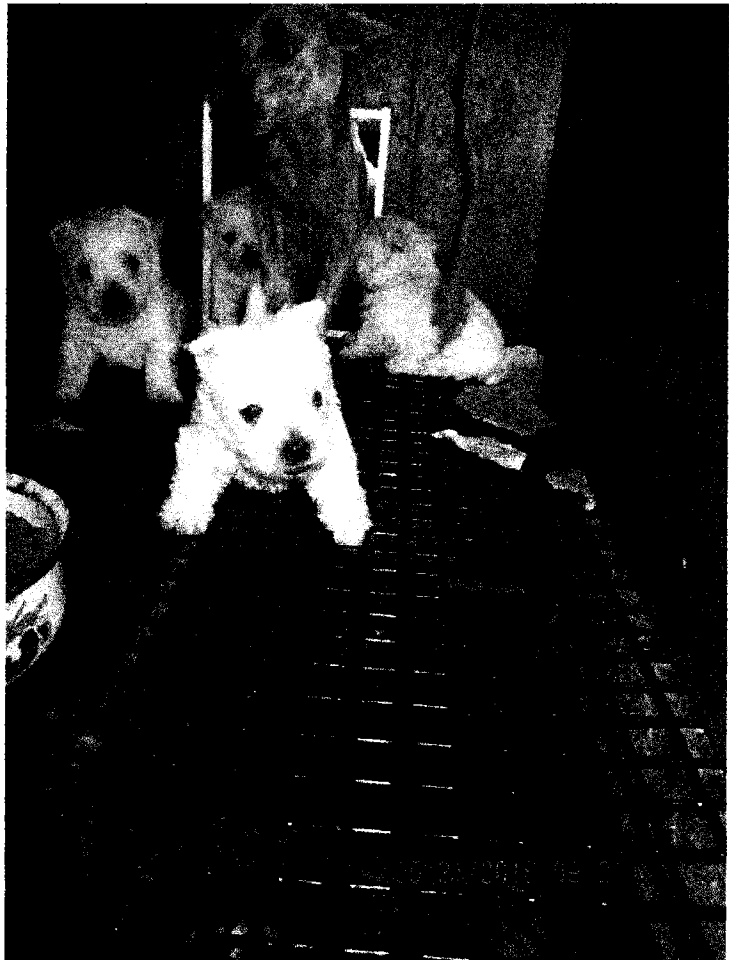
A sampling of problem puppy mills and puppy dealers  
in the United States

May 2017

For the fifth straight year, The Humane Society of the United States is reporting on problem puppy mills, including some dealers (re-sellers) and transporters. The Horrible Hundred 2017 report is a list of known, problematic puppy breeding and/or puppy brokering facilities. It is not a list of all puppy mills, nor is it a list of the worst puppy mills in the country. The HSUS provides this update annually, not as a comprehensive inventory, but as an effort to inform the public about common, recurring problems at puppy mills. The information in this report demonstrates the scope of the puppy mill problem in America today, with specific examples of the types of violations that researchers have found at such facilities, for the purposes of warning consumers about the inhumane conditions that so many puppy buyers inadvertently support.

The year 2017 has been a difficult one for puppy mill watchdogs. Efforts to get updated information from the United States Department of Agriculture (USDA) on federally-inspected puppy mills were severely crippled due to the USDA's removal on Feb. 3, 2017 of all animal welfare inspection reports and most enforcement records from the USDA website. As of April 20, 2017, the USDA had restored some animal welfare records on research facilities and other types of dealers, but almost no records on pet breeding operations were restored.

The information in this report, therefore, is a compilation of records obtained from state inspection data in those states that inspect puppy mills, and/or from recent USDA records that The HSUS preserved before the USDA removed the reports from



Puppies at the facility of Alvin Nolt in Thorpe, Wisconsin, were found on unsafe wire flooring, a repeat violation at the facility. Wire flooring is especially dangerous for puppies because their legs can become entrapped in the gaps, leaving them unable to reach food, water or shelter. (Photo: Wisconsin Dept of Agriculture)

their website, as well as certain available court records, consumer complaints, investigator visits and media reports.

Missouri continues to have the greatest number of problem breeders and dealers in our report (19) for the fifth year in a row, followed by a three-way tie of Ohio (12), Kansas (12) and Pennsylvania (12). Last year, Iowa had the second highest number of dealers in the report (15), followed by Kansas (14) and Ohio (9). The large number of listings in certain states is at least partly due to the greater availability of records in some states. States that do not inspect puppy mills at all, such as Arkansas and Tennessee, have scant information available. And some states that do have pet breeder inspection laws, such as Oklahoma, did not respond to our open public records requests, leaving us with very little information on problem kennels in their states.

### What's new in this year's Horrible Hundred:

- This year, Missouri had the most dealers in our report for the fifth year in a row, with 19 dealers, followed by a three-way tie among Ohio (12), Kansas (12) and Pennsylvania (12).
- Researchers found at least nine dealers in this year's report selling online on PuppyFind.com. PuppyFind.com has repeatedly been linked to problem puppy mills listed in our Horrible Hundred reports. A number of the breeders in this report also advertise on other online outlets, including internet classified sites and on social media. This trend appears to be on the rise and is of high concern.
- 45 dealers included are new to the report, and 55 are "repeat offenders" who have appeared in one or more of our prior puppy mill reports.
- In this year's report we also included a few dog dealers and at least one transporter who are primarily involved in conveying or re-selling puppy mill dogs. Although these operators are not technically dog breeders, they are closely tied with the puppy mill industry, and thus the injury and/or deaths of puppies in their care is pertinent to the educational value of this report.

In 2016, the USDA revoked the licenses of seven puppy mills that had been in past Horrible Hundred reports, including **Wilma Jinson/Jinson Kennel** of Stella, Missouri, **Keith Ratzlaff** of Canton, Kansas, and **Donald Schrage/Rabbit Ridge Kennel** of Edina, Missouri, all of whom had appeared in all four of our previous Horrible Hundred reports. The USDA also revoked the license of **Dwayne Hurliman** of Cordell, Oklahoma, who appeared in two previous Horrible Hundred reports and was the subject of a 2016 HSUS undercover investigation. However, revocations are rare. The USDA enforces only the minimum



Linda Lynch was found operating an unlicensed breeding facility in Texas. Inspectors found dogs in tiny cages, piled up and surrounded by clutter. It appeared the dogs barely had enough room to turn around. The facility is now state licensed. (Photo: Texas Dept of Licensing and Regulation)



care standards required under the Animal Welfare Act (AWA) regulations. The AWA's animal care standards are not optimal standards but survival standards, which are so low that licensed puppy dealers can still legally keep hundreds of dogs in small, stacked cages for their entire lives, with little or no exercise, enrichment or human attention, as long as the dogs are provided with basic provisions such as food, water and rudimentary shelter. Because the standards are so minimal, it is even more shocking to see how many breeders fail to comply with even the most basic rules.

Due to the USDA's removal of public information on animal mistreatment from public view, it is more important than ever for the public to understand that they should never purchase a puppy from a pet store, website, or from any breeder who won't allow a buyer to browse their facility in person and see how the animals are kept.

This report includes puppy mills from 20 states, but because most of the dealers sell online or to pet stores, their puppies could be available to unwary consumers all across the country and beyond.

For more information on the methodology used in preparing this report, please see the Methodology section on the last page.

### **FARMLAND PETS & FEED, Silverdale, WA buys their puppies for resale from this mill:**

- **Sharon Munk, BJ's & Guys, LLC, Menlo, Kansas:**

**FACILITY WITH OVER 1,100 DOGS FOUND WITH DANGEROUS HOUSING, POOR TEMPERATURE CONTROL, THREE DOGS IN NEED OF VETERINARY CARE; RECEIVED OFFICIAL WARNING FROM USDA.**

Multiple violations were found by USDA inspectors at BJ's & Guys, LLC in 2016, including a shih tzu with a swollen, red eye that had a copious, thick discharge; a pomeranian with scabs and hair loss; and a pug with an eye disorder. In addition, puppies were found with their feet dangling through 1 inch gaps in the wire flooring, a condition that could lead to serious injury or leg entrapment; some of the adult dogs were found sticking their heads through unsafe gaps in their cages; and some of the housing had flaking paint and rust that in some areas was so advanced that it was affecting structural safety (a repeat violation), according to USDA reports.

In addition, an inspection found two of the buildings with excessively hot conditions in July 2016, with one building reaching a high of 91.9 degrees and another reaching a high of 87.6 degrees Fahrenheit. The USDA inspector noted that these conditions could lead to heat stress in the dogs.

In June 2016, BJ's & Guys received an official warning from the USDA for a lack of adequate veterinary care, related to a direct violation that occurred in January 2016.

BJ's & Guys is thought to be the largest breeder/ broker in Kansas, with 755 adult dogs and 425 puppies found at a federal inspection in July 2016, a total of 1,180 animals. All the violations noted above were found in July 2016, with the exception of the pug with the eye condition, which was noted during a focused (follow-up) inspection in January 2016. Inspectors also found violations in 2015 and 2014. USDA # 48-B-0081.

note: excerpted from page 16 of the original report

# Pet leasing

HB 1476 currently in House floor concurrence calendar and will hopefully pass to prevent predatory leasing

**Pet leasing** is the practice of leasing a pet, usually a dog, to a customer on a contract basis.<sup>[1]</sup> The practice is controversial, because some customers believed they were taking out loans to buy a pet when, in fact, they were only leasing an animal that could be repossessed by the lender in the event that payments were not kept up.<sup>[2][3][4][5]</sup>

The process of leasing a pet typically starts in a retail pet store, but the loan is made by a third-party contractor. The revenue model for pet leasing is the same as car leasing.<sup>[6][7]</sup> The borrower enters a contract, typically for two years, and agrees to monthly payments. The lender typically requires proof of income, which may be as low as \$1000 a month.

## Controversy

The state governments of New York,<sup>[8]</sup> California and Nevada have banned pet leasing.<sup>[9]</sup> And a similar ban on pet leasing has passed the Rhode Island state house of representatives.<sup>[10][11]</sup> In Connecticut, State Senate Republican President Pro Tempore Len Fasano has introduced legislation that would similarly ban pet leasing in his state.<sup>[12]</sup>

According to several news sources, some lessees of pets believed they were buying their pets and were surprised to discover that they were only on loan.<sup>[13][14][15]</sup>

The American Kennel Club "supports a ban on predatory pet leasing schemes that victimize potential owners, undermine a lifetime commitment to a pet, and do not confer the rights and responsibilities associated with legal ownership of a pet."<sup>[16]</sup> Pet leasing has also been decried by the American Society for the Prevention of Cruelty to Animals (ASPCA), which has called for a state-by-state ban.<sup>[17]</sup>

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# Animal lovers decry "pet leasing" contracts

*Last Updated Jul 31, 2018 11:14 AM EDT*

*Animal lovers are calling attention to a controversial scheme being used by some pet stores. Customers say they thought they were taking out loans to finance and own pricey pets. Instead, they say they were duped into signing lease agreements.*

*Vladimir Duthiers, of our streaming network CBSN, spoke to one pet owner who paid almost double the sticker price to keep dogs she thought she already owned.*

Here's how it works: pet stores lure customers in with a cute but expensive pet. Then the customers sign what they believe is a loan that will allow them to make low monthly payments for the pet.

But it's not really a loan; it's a lease. And customers often don't realize it until it's too late.



How much is that doggie in the window? Some pet owners found out a LOT more expensive than they thought, when they discovered the stores had leased them the animals, not sold them outright. **CBS NEWS**

**Courtney Peterman says she thought she was taking out a \$3,000 loan to buy dogs Cass and Max at a Connecticut pet store in 2015. She signed a contract, made her first payment of \$185, and took the dogs home.**

Eighteen months later, Peterman expected the loan to be paid off, but she called the bank and was told she had almost 20 more payments to go. "I was appalled," she said.

"When I asked how that was possible when it was only a \$3,000 loan, AND I was told it wasn't a loan at that point; it was a lease."

She kept making payments, fearing the worst about what would happen if she defaulted.

"I was like, OK, what bills am I not going to pay now so I can make sure no one's going to come to my door and take my dogs away?" Peterman said.

The contract was with the leasing company Wags Lending. Peterman signed it electronically at the store and admits she didn't read it carefully when it was sent to her later.

"This is simply a business that's built on deception and cruelty," said Jennie Lintz of the ASPCA. She believes pet stores are purposely dangling low monthly payments to unsuspecting customers in exchange for these questionable leases.

"Just like someone who goes to a car dealership, people get distracted thinking about the monthly payment and might no longer negotiate that sticker price," Lintz said. "Once they start adding in the fees, all of a sudden, the dog that you could've bought for \$1,500 is \$5,000."

But more trouble comes trying to get out of the contract. Lintz said, "Even people whose pets have died during the course of the lease are continued to be expected to pay."



Courtney Peterman was surprised to discover the loan she'd signed to purchase her dogs was actually a lease. **CBS NEWS**

Duthiers asked, "If the pet that you're leasing dies, you are still responsible for paying however many months or years are left on the contract?"

"Yes."

Lesley Fair, an attorney with the Federal Trade Commission, says the first question consumers need to ask is, "Is this a lease?"

She says "pet leasing" has been on the FTC's radar for about three years, and while it's not illegal, pet shops can be held responsible. "Companies have an obligation to make sure, first, that consumers know it's a lease; second, that the terms are very clear upfront," Fair said. "Consumers need to read these contracts very, very carefully."

Peterman was able to get out of her lease after filing a complaint with the Better Business Bureau. In the end, she paid about \$5,600 to officially own the dogs.

She told Duthiers, "Don't finance a dog, ever. If you don't have the means to pay for a dog, you shouldn't be paying for one."

Last year, California and Nevada banned pet leasing. This year New York is expected to become the third state to instate a ban. On Monday, Sen. Bob Menendez of New Jersey sent a letter to the FTC chairman, urging him to investigate the practice.

"CBS This Morning" reached out to the Connecticut pet store where Courtney Peterman bought her dogs and have not heard back.

Wags Lending would not provide a comment for our story.

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## BUSINESS FACT SHEET

Stores can thrive by converting from the outdated and socially unacceptable business model that relies on the sale of mill puppies to a model that focuses on offering quality products and services, and hosting adoption events. Cries from some pet stores that they need to sell puppies to stay in business are baseless, as the huge majority do not do so.

**“I strongly believe that by giving these pet store business owners a different ideology with regards to the industry, you are helping these businesses from a profit standpoint, an educational perspective and setting a new precedent of a more humane peaceful existence for us all...that from someone who was in the same business longer than most” – Anita Bobetich, former owner of Precious Pet Cottage, a puppy-selling pet store, in a letter to Maryland Senators**

### INDUSTRY TRENDS

- According to The American Pet Products Association, Americans spent \$72 billion on their pets in 2018, and every category, including pet food, products, and services, saw an increase *except* live animal sales, which they predict will continue to decline.<sup>1</sup>
- Consultancy EY-Parthenon reported in July 2018 that the pet industry has become a “potentially explosive market” as Americans increasingly humanize their pets, predisposing them to spend more on fancy food, treats, clothing and premium services such as grooming and pet spas, and noted that 78% of people prefer to shop for their pets in brick-and-mortar stores. Plus, live animals sales will likely slow “as people align pet adoption with their social values.”<sup>2</sup>
- *Pet Business*’ 2018 “Top 25 Pet Retailers in North America” included only one chain that sells puppies, while the rest of the pet store companies are thriving by selling quality products and offering in demand services such as grooming, boarding and training.<sup>3</sup>
- *Entrepreneur* magazine included Pet Supplies Plus on its “2018 Fastest-Growing Franchise Ranking” and “Annual Franchise 500” lists, noting that the company was the top pet supply franchise. Pet Supplies Plus does not sell puppies, but rather focuses on natural pet foods, goods and services, and partner with shelters and rescues.<sup>4</sup>
- Conscientious companies are refusing to do business with pet stores that sell puppies. For example, Honest Kitchen, a healthy pet food company with products in nearly 5000 stores across the country, regularly turns down requests from stores that want to sell their products but also sell puppies.<sup>5</sup>

### SUCCESSFUL PET STORES, IN THEIR OWN WORDS

- PetSmart: *At PetSmart, we never sell dogs or cats. Together with PetSmart Charities, we help save over 1,300 pets every day through adoption.*<sup>6</sup>
- Petco: *We encourage anyone looking to add a new pet to their family to consider adopting a homeless animal, rather than purchasing one... Petco and the Petco Foundation partner with thousands of local animal welfare groups across the country and, through in-store adoption events, help find homes for more than 400,000 animals every year.*<sup>7</sup>
- The owners of Pet Food Express’ 60+ stores, in a letter to CA legislators who passed the first statewide prohibition on the sale of puppies in pet stores: *We support AB 485 because we want to see all pet stores operate responsibly. Not only is it the right thing to do, but it’s the key to a successful business.*
- The marketing manager for 8 Bark! stores in Maryland testified in support of what is now the second statewide prohibition on the sale of puppies in pet stores: *Adoption events create the busiest times at our stores...and always provide a noticeable boost in our sales for that day.* She also said the rescues and shelters the stores partner with recommend Bark! to their adopters, which has increased customer count and sales.

<sup>1</sup> <https://www.prnewswire.com/news-releases/americans-are-spending-more-on-pets-than-ever-before-72-billion-300816835.html>

<sup>2</sup> <https://www.consulting.us/news/538/americans-see-their-pets-as-family-and-are-spending-more-cash-on-them>

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<sup>4</sup> <https://www.prnewswire.com/news-releases/pet-supplies-plus-earns-status-as-one-of-north-americas-fastest-growing-franchises-300608290.html>

<sup>5</sup> <https://www.thehonestkitchen.com/blog/recognition-for-our-stance-on-puppy-mills/>

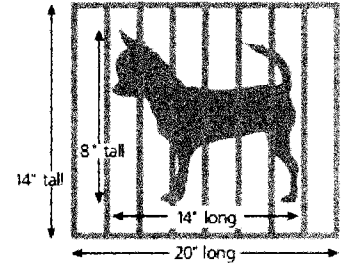
<sup>6</sup> <https://www.petsmart.com/adoption/people-saving-pets/ca-adoption-landing.html>

<sup>7</sup> <https://about.petco.com/fact-sheets>

## USDA'S LOW STANDARDS AND POOR ENFORCEMENT

### A USDA-licensed facility may legally:

- ✓ Confine dogs in cages only 6 inches larger than their bodies for their entire lives
- ✓ Provide only coated wire flooring in cages
- ✓ Deny dogs adequate exercise and socialization
- ✓ Keep dogs in frigid or sweltering temperatures for up to 4 hours
- ✓ Breed dogs repeatedly and excessively, without limits
- ✓ Provide no regular veterinary care beyond annual walk-through of facility



**The USDA admits that a USDA license means very little.** On its website the USDA noted: “We do not ‘certify’ establishments. . . a USDA license is not a ‘seal of approval’ but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities.”

**USDA’s Enforcement Of Animal Welfare Laws Plummeted In 2018, Agency Figures Show.<sup>1</sup>** This was the heading of a feature story in *The Washington Post* in October 2018 that reported the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint. The USDA told the publication this was in part due to “working more closely with alleged violators” rather than taking enforcement actions, a clear indication that the USDA no longer sees its role as a regulator of licensees.

**As of January 2019, the USDA continues to protect animal abusers by hiding the names and license numbers on commercial breeder inspection reports from the public.** In February 2017, the USDA abruptly removed inspection reports from its website. Some reports have been restored, but breeder names, business names and license numbers are blacked out so neither the public nor state enforcement agents can connect breeders with violations. As such, the public remains in the dark about animal mistreatment at specific commercial breeding facilities.

**In 2010 the USDA audited itself, and the Office of Inspector General released a report** stating that the enforcement process was ineffective against problem dealers, inspectors did not cite or document violations properly as needed to support enforcement actions, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Photos in the report show horrific cruelty. Recent data indicates this problem remains.

**The HSUS’s annual Horrible Hundred reports, including the report released in May 2018,** have documented instances of breeders with numerous and egregious USDA violations spanning many years who remain licensed.

### Other recent steps in the wrong direction include:

- May 2018: A USDA tech note explained that facilities can now self-report to avoid having certain violations identified in the records, even some critical violations, if they follow certain guidelines.
- April 2018: USDA announced a pilot program that will alert some facilities about upcoming inspections in advance. This allows breeders time to cover up violations or even hide sick or injured dogs.
- April 2018: USDA confirmed to the HSUS that it had not revoked a single dog breeder license in the last year, despite overwhelming evidence of animal mistreatment and poor conditions at many operations.
- January 2018: USDA announced a proposal to allow third party groups to inspect puppy mills. This would have allowed industry groups that have a financial stake in perpetuating puppy mills to be part of the inspection process, which would be like putting a fox in charge of a henhouse. The proposal was abandoned in May 2018 due to widespread opposition.

<sup>1</sup> [https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm\\_term=.9e2ec9b47f39](https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm_term=.9e2ec9b47f39)



## Re: Regarding proposed code revision Kitsap County Chapter 7 and April 22nd Hearing

To Carollynn Zimmers DVM <drccarollynn@comcast.net> Copy Eric Baker <ebaker@co.kitsap.wa.us> •  
Kitsap Commissioners <kitsapcommissioners@co.kitsap.wa.us>

Thank you very much for the comments and feedback on the proposed ordinance. We appreciate hearing the perspective from a veterinarian. Your comments have been forwarded for consideration.

Sincerely,

Jennifer

**Jennifer Cannon, AICP**  
Policy Analyst, Kitsap County  
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614 Division Street MS-4  
Port Orchard, WA 98366  
**Direct:** (360) 337-7051  
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**From:** Carollynn Zimmers DVM <drccarollynn@comcast.net>  
**Sent:** Sunday, April 14, 2019 9:31:30 AM  
**To:** Kitsap Commissioners; Jennifer J. Cannon; Eric Baker  
**Subject:** Regarding proposed code revision Kitsap County Chapter 7 and April 22nd Hearing

April 13, 2019  
Dear Commissioners Gelder, Garrido and Wolfe:

I am writing in support of the proposed code revision Chapter 7 of the Kitsap County Code and would like my comments to be considered for the draft policy limiting the retail sales of puppies and kittens in unincorporated Kitsap County. As a veterinarian with over 30 years of practicing veterinary medicine in Kitsap County, I am very surprised and disappointed that you did not consider the veterinary community a stakeholder and thus our comments were not considered. I did read the stakeholder summary document and must commend you on a very thorough investigation of the issues other than my sole complaint. I do have important input that you may not have considered since I have been involved in both the local efforts and at the state level for pet sale bans. Unfortunately, HB1640 that would have prevented sales state wide was not successful.

Under the proposed code revision 7.09.010, the ordinance authorizes pet stores to source animals from animal welfare organizations. Under the definition section (7.04.020) an "animal welfare organization" is defined as a nonprofit registered with the Washington Secretary of State's office (SOS) with a mission to ensure humane treatment of animals. Unfortunately, the definition leaves the door wide open for pet stores to obtain animals from so-called nonprofits that are affiliated with commercial animal breeders and brokers. Other states and many local governments have allowed pet stores to source animals from shelters and/or rescue groups only to find that stores are selling animals as "rescues" when they have actually been obtained indirectly through a breeder or broker. It is easy to form a fraudulent nonprofit, then register it with the SOS and technically be compliant with the proposed ordinance.

The solution for this is for the County to change the proposed ordinance so that it a) prevents the sale of cats or dogs at pet stores, allowing only the showcasing of animals for adoption by bonafide animal care and control agencies and animal rescue groups, where the adoption is handled in-person by that agency or group; or 2) allows only the sale of dogs or cats obtained from animal care and control agencies as defined in RCW 16.52.011. These are public shelters and humane societies that serve local jurisdictions. However, it is unlikely that these organizations would ever supply dogs or cats to be sold at retail.

Another observance is that proposed Section 7.09.010 (a) (1) and (2) creates some confusion about the sources of animals that can be sold by hobbyists and pet stores. It appears to allow pet stores to sell dogs and cats bred on site by hobbyists as well as those obtained from animal welfare organizations; and hobbyists can sell dogs and cats obtained from animal welfare organizations as well as sell animals bred at their own facilities.

I want to credit Rick Hall of Washington Alliance for Humane Legislation for the above research and comments. Mr. Hall has also provided suggested revisions and options that I will attach. I am including the URL to a story from the Chicago Tribune that is very relevant to Rick Hall's research and the comments above.

<https://www.chicagotribune.com/news/local/breaking/ct-puppy-laundering-ring-chicago-pet-stores-20190314-story.html>

We welcome any questions you have on the suggested revisions to the proposed ordinance. Please feel free to contact Rick Hall at [rickhall127@gmail.com](mailto:rickhall127@gmail.com) or by phone at 253-426-0238; or me at 360-265-3836.

Respectfully,  
Carollynn Zimmers DVM  
CC: Eric Baker and Jennifer Cannon

PS Rick Hall's Credentials:

Rick Hall has drafted and edited animal welfare legislation since 2009 for members of the Washington State legislature and prepared/edited proposed ordinances for local governments. Topics have included: funding companion animal spay/neuter assistance; establishing limits on dog tethering; adopting animals following their use in science or research; limiting retail sales of dogs and cats from pet stores; limiting pet leasing and other forms of financing agreements for dogs and cats that allow repossession; limiting dog breed discrimination; creating infraction penalties for failure to provide adequate care of animals; strengthening the state statutes defining first and second degree animal cruelty; authorizing emergency responders to legally perform limited, life-saving veterinary medical treatment on animals; and prohibiting horse slaughter and the transport of animals destined for horse slaughter.

## Kaitlyn Floyd

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**From:** Kathy Hargrave <kathyh@sittshill.com>  
**Sent:** Wednesday, April 24, 2019 7:53 AM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health. This proposed ordinance, if passed, would severely limit the options people have in purchasing specific breeds of dogs for recreational purposes such as hunting. It would also prevent raising them from puppies and training the dogs for their specific purpose.

If this ordinance were to be passed, it would just force people to find other avenues to acquire the breeds of their choice - out of county and even out of state.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Kathy Hargrave  
10457 SE Olympiad Drive  
Port Orchard, WA 98366  
Email Address: kathyh@sittshill.com



## Kaitlyn Floyd

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**From:** Neita Ferron <neitasnibblers@hotmail.com>  
**Sent:** Wednesday, April 24, 2019 7:05 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Neita Ferron  
12 Allen Drive  
Sequim, WA 98382  
Email Address: neitasnibblers@hotmail.com



## Kaitlyn Floyd

---

**From:** Steve Poythress <sjpoythress@comcast.net>  
**Sent:** Wednesday, April 24, 2019 8:49 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The real issue here is the failure on the part of the popular elected commissioners to ensure equal representation of all of the citizens residing in Kitsap County. They have before them a special interest group who proposes a change in the current and effective law to meet their desires and needs. In addition to their attempting to meet their own self serving needs and desires they propose to change a long tradition of a free market capitalist society, which seems to have worked well for several hundred years. Shame on you, do the right thing and support all of your citizens and free enterprise!

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mr. Steve Poythress  
14712 155th Street East  
Orting, WA 98360  
Email Address: sjpoythress@comcast.net



## Kaitlyn Floyd

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**From:** Sherrie Lee <Sherrielee@mac.com>  
**Sent:** Friday, April 26, 2019 10:10 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Garrido Garrido:

I do not understand why you are pursuing this when the state legislature decided to drop this proposed bill this year. I use to live in Port Orchard & I care that this bill is taking away the rights of the consumer to choose the pet that best fits their family. A rescue dog is generally not the best fit with young children. And the groups proposing this are not regulated. The buyer knows little about the health or behavior of the animal. With young children, this can be disastrous. I have been an animal rescuer & have had several rescues, but with young grandchildren, I knew this wasn't the best fit. So for me, I chose a puppy to raise with them & it is working out great. Do not pass this. It will not solve the problem of puppy mills. It takes away the rights of consumers to choose the best pet for their family

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

Recently, these groups have pushed for unsupported regulatory changes in other states to achieve their goals. These regulations often mislead the general public as to their actual effects and true impact on animal owners and breeders, and instead of using facts and science the activists prey on the emotions to influence the passage of legislation using pictures and video taken vastly out of context.

The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Mrs. Sherrie Lee  
11231 Airpark Lane  
Yelm, WA 98597  
Email Address: Sherrielee@mac.com



## Kaitlyn Floyd

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**From:** Linda Hinton <hyacinthwoman@icloud.com>  
**Sent:** Saturday, April 27, 2019 11:05 AM  
**To:** Kitsap Commissioners  
**Subject:** Contact from the website

Please pass an ordinance, without a hobbyist exemption, that prohibits the sale of commercially-bred dogs and cats in pet stores.

I was one of Farmland's victims. I did not realize that they were a puppy mill when I bought my dog there 13 years ago.

My second dog is a rescue from the KitSap Humane Society.

Thank you.

Linda Hinton  
3607108842  
Sent from my iPhone

## Kaitlyn Floyd

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**From:** Kailee Ray <kaileeray.kray@gmail.com>  
**Sent:** Saturday, April 27, 2019 12:06 PM  
**To:** Kitsap Commissioners  
**Subject:** Oppose Kitsap County's Ordinance Banning Retail Pet Sales

Dear Commissioner Wolfe Wolfe:

Across America, pet stores are on the receiving end of coercive and intimidation tactics from the Humane Society of the United States (HSUS) and other animal rights groups, urging pet store owners to discontinue the sale of dogs and cats as part of their campaign to end the sale of animals that are sourced from professional, licensed, and regulated breeders.

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The proposed Kitsap County ordinance poses a serious threat to public safety, forcing consumers to put their family's safety at risk by purchasing a dog with unknown background, origin, and health.

The proposed Kitsap County ordinance is intended to harm the rights of citizens and to destroy viable law-abiding businesses and the future of animal ownership.

I respectfully ask that you VOTE NO.

Sincerely,

Ms. Kailee Ray  
16113 SE Alder St  
Portland, OR 97233  
Email Address: kaileeray.kray@gmail.com





**Kaitlyn Floyd**

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**From:** The Wilsons <pnwnatives@gmail.com>  
**Sent:** Saturday, April 27, 2019 8:54 PM  
**To:** Kitsap Commissioners  
**Subject:** Title7\_Draft Animal Code Revisions

Greetings,

I am writing to lend support to the changes as they apply to the housing, treatment and medical care of dogs, cats and other animals commonly considered pets that are offered for sale within the county. I support the humane treatment and care of such animals and believe that uniform standards need to be established and enforced for the benefit of both the animals and consumers county wide.

I have personally experienced the problems that can beset both animals and my self as a pet owner when proper care and procedures are ignored. it is heart breaking, painful and expensive to correct problems that result from mass animal marketing and production without the attendant care that should accompany such activities.

I encourage approval of the proposed Ordinance.

Thank you,

Bob Wilson

10171 Horizon Lane SE

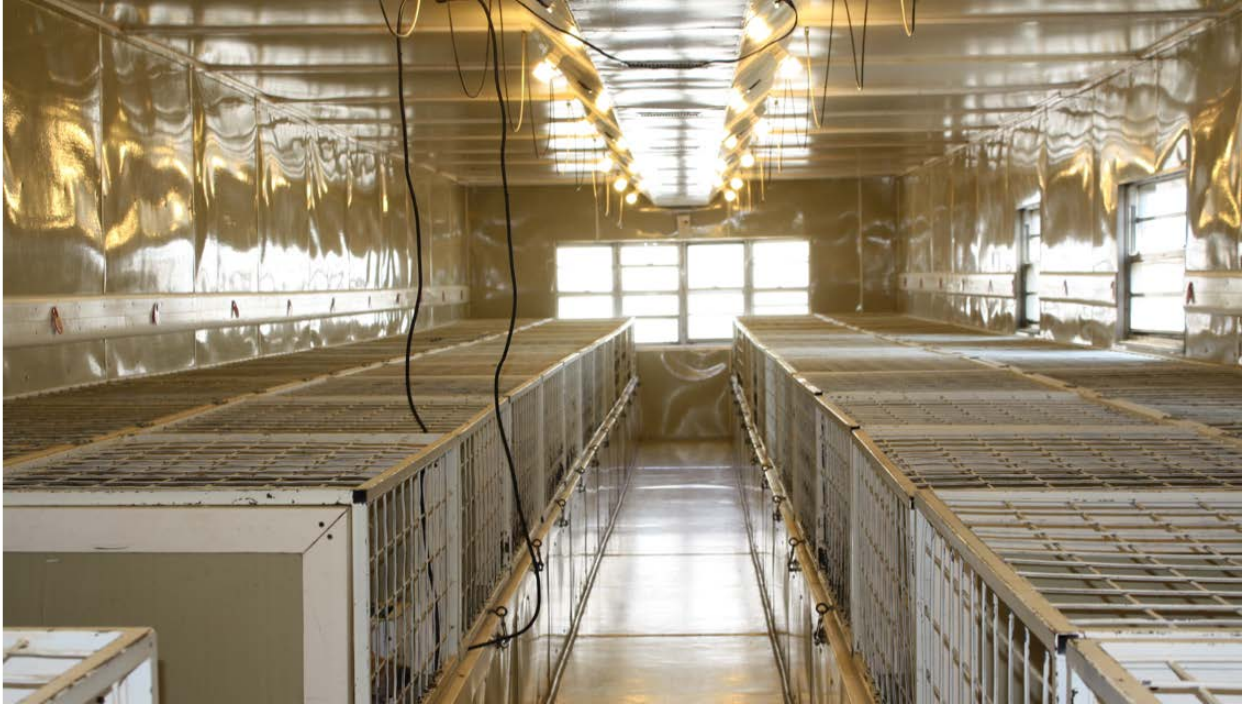
Port Orchard, Washington 98367











Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

We support local families and local businesses. There is a place for a well-adjusted, socialized puppy to be part of a family.

It is good to have the option of adopting an abused/neglected dog/cat and bringing them back to be a well-behaved member of society, but there is also a place for a family to adopt a puppy with a "clean slate", a well-adjusted, socialized puppy to be part of a family. There is room in Kitsap County for both options.

The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

The breeder used by Farmland is reputable: has less dogs in their kennels than permitted, has air-conditioned spacious kennels, constant vet care available, and even hires people to pet their puppies. The dogs sold by Farm Land evidence this by being well-adjusted, friendly and open to family love.

Local breeders should have the opportunity to operate in Kitsap County with proper permits.

The Humane Society is a national organization with national funding to support this monopolizing legislation. Farmland and local breeders don't have resources to fight against national money. They are Kitsap family owned and operated. Farmland has been in business in Kitsap County for more than 40 years. Our laws need to support our people and our local businesses.

People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Signature:	Printed Name:	Zip Code:
<u>John Mueller</u>	<u>JOHN MUELLER</u>	<u>98366</u>
<u>Elizabeth Mueller</u>	<u>Elizabeth Mueller</u>	<u>98366</u>
<u>Melinda St. John</u>	<u>Melinda St. John</u>	<u>98366</u>
<u>Eric Lagergren</u>	<u>ERIC LAGERGREN</u>	<u>98366</u>
<u>Wiley Yee</u>	<u>Wiley Yee</u>	<u>98366</u>
<u>Diane P. Bishop</u>	<u>Diane Bishop</u>	<u>98359</u>
<u>Pam Flaman</u>	<u>PAM FLAMAN</u>	<u>98346</u>
<u>David H. Reckner</u>	<u>DAVID N. RECKNER</u>	<u>98383</u>

RECEIVED  
APR 29 2019  
KITSAP COUNTY  
COMMISSIONERS

RECEIVED  
APR 29 2019  
KITSAP COUNTY  
COMMISSIONERS

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Signature:

Printed Name:

Zip Code:

<u>Trina Hauge</u>	<u>Trina Hauge</u>	<u>98366</u>
<u>Kat Brabant</u>	<u>Kat Brabant</u>	<u>98311</u>
<u>Jan M. Gardner</u>	<u>Jan Gardner</u>	<u>98311</u>
<u>Tatti Dusbabek</u>	<u>Tatti Dusbabek</u>	<u>98110</u>
_____	_____	_____
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APR 5 2013

APR 5 2013



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

I believe in the capitalistic guarantee of the United States of America. If anyone goes out of business it should be because of malpractice or the lack of business from the choice of the public, not from being forced by government policies to not practice their rights in this country.

Sincerely,

Signature: Naomi Lynn Miller

Name: Naomi-Lynn Miller

Zip Code: 98383

Date: 4/26/11

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

People should have a choice  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

Signature: Abbi Baker

Name: Abbi Baker

Zip Code: 98383

Date: 5/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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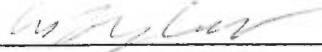
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Additional Comments:

people should have the choice.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

Signature: 

Name: Caylee Conner

Zip Code: 98311

Date: April, 26

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

People should have a choice

Sincerely,

Signature: Ka'seem Bell

Name: Ka'seem Bell

Zip Code: 98311

Date: 26-12

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

People should have the choice

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Sincerely,

Signature: 

Name: Mayson Horch

Zip Code: 98388

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

The breeder used by Farmland is reputable: has less dogs in their kennels than permitted, has air-conditioned spacious kennels, constant vet care available, and even hires people to pet their puppies. The dogs sold by Farm Land evidence this by being well-adjusted, friendly and open to family love.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

people should have a choice

Sincerely,

Signature: Savannah Ham

Name: Savannah

Zip Code: 98112

Date: 4-26-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

this is so sad to see that we humans are  
going to stop selling dogs

Sincerely,  
Signature: Alyssa Sadati  
Name: Alyssa Sadati  
Zip Code: 98312  
Date: 04/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

WE LIVE IN THE UNITED STATES, OUR COUNTRY WAS  
BUILT ON CAPITALISM & FREE ENTERPRISE WE DO NOT NEED  
BEAUCRATES DICTATING HOW & WHERE WE SPEND OUR MONEY

Sincerely,

Signature:           S. S. G.          

Name:           SCOTT GREER          

Zip Code:           98312          

Date:           4/26/19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

We need to keep free enterprise and local business. I am for  
keeping Farmland and local breeders in business. One of my dogs came  
from Farmland and one came from the humane society. I like  
having the free choice in Kitsap County.

Sincerely,

Signature: Molly Oien

Name: Molly Oien

Zip Code: 98312

Date: 4/26/19

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

Let people get pets where they want.

Sincerely,  
Signature: Rob Mitchell  
Name: Rob Mitchell  
Zip Code: 98312  
Date: 4-27-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

To limit choice among the people of this country leads to a darker path our founding fathers did not intend. Even including something as "miniscule" as pet adoption. Do not limit free choice.

Sincerely,

Signature: Mae Olsen

Name: Mae Olsen

Zip Code: 98312

Date: 04/27/2019

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Additional Comments:

I have never known a person with greater love, compassion and care for animals. Shannon Randall's knowledge of farm animals and pets is from a lifetime of vested interest in the best practices in animal care and she willingly shares that knowledge and care with people and their pets throughout Kitsap County.

Sincerely,  
Signature: Alisa Blosssey  
Name: ALISA BLOSSSEY  
Zip Code: 98366  
Date: 4/28/2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

I have purchased several amazing dogs from Farmland.  
I chose to purchase from this family owned & operated  
business because they show me where my puppy is coming  
from, 5 generation pedigree, up to date on shots, 1 year congenital  
defect warranty as well as knowledge on breed & supplies needed

Sincerely,

Signature: S Hengst

Name: Samantha Hengst

Zip Code: 98311

Date: 4/28/2019

My dogs are great example  
of their breed & have an  
amazing personality.  
I love the staff at  
farmland & services  
they offer the  
community.

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

*This whole thing has been MEAN I want to continue to buy my dogs at Farmland I have had 4 now and countless friends was there yesterday and everyone there are all*

Sincerely,

Signature: *Janet E Lewis*

Name: *Janet E Lewis*

Zip Code: *98366*

Date: *4-28-19*

*Friends,  
Tax payers  
in this  
County.*

*People were  
so happy!  
to be there.*

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

Against puppy mills but there should be options if  
rules are followed.

Sincerely,

Signature: 

Name: Kenneth R. Smith

Zip Code: 98270

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

*I can afford the pups for farmland - not  
from breeders!!*

Sincerely,

Signature:

Name:

Zip Code:

Date:

*M A Templeton*  
*Magaret A Templeton*  
*98312*  
*4/27/19*



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Additional Comments:

I would like my right to choose the kind of animal I would like to not be infringed upon. Please do not pass any legislation that takes my right to choose away.

Sincerely,  
Signature: 

Name: John McKenna

Zip Code: 98337

Date: 4/27/19

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Additional Comments:

I have gotten 2 Dogs from farmland and they have been nothing but wonderful additions to our home. I wouldn't trade them for anything in the world. I beg that you see reason on this matter.

Sincerely,

Signature: 

Name: Roy Willhela

Zip Code: 98383

Date: 4-26-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

Any dog is a good dog!  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,

Signature: 

Name: Kimberly N. HESS

Zip Code: 98315

Date: 26 APR 14

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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The Humane Society is a national organization with national funding to support this monopolizing legislation. Farmland and local breeders don't have resources to fight against national money. They are Kitsap family owned and operated. Farmland has been in business in Kitsap County for more than 40 years. Our laws need to support our people and our local businesses.

People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

I have purchased animals from Farmland for 20+ years all happy and in good health. I would like to continue to buy puppies here

Sincerely,

Signature: Andrea A Deyo

Name: Andrea A Deyo

Zip Code: 98325

Date: 04/27/2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

We support local families and local businesses. There is a place for a well-adjusted, socialized puppy to be part of a family.

It is good to have the option of adopting an abused/neglected dog/cat and bringing them back to be a well-behaved member of society, but there is also a place for a family to adopt a puppy with a "clean slate", a well-adjusted, socialized puppy to be part of a family. There is room in Kitsap County for both options.

The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

Everytime I come ALL Animals  
are clean and taken care of!

Sincerely,  
Signature: Jennifer Lawhead  
Name: Jennifer Lawhead  
Zip Code: 98383  
Date: 4.27.19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Phillip Pitts

Name: Phillip Pitts

Zip Code: 98370

Date: 4-27-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: LARRY HOOVER \_\_\_\_\_

Zip Code: 98312 \_\_\_\_\_

Date: 4-27-19 \_\_\_\_\_

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

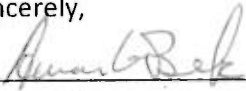
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Sincerely,

Signature: 

Name: Andrew Beck

Zip Code: 98383

Date: 4/27/2019



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Alex Beck

Name: Alexandria Beck

Zip Code: 98383

Date: 4-27-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Paul R Tucker

Zip Code: 98383

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Charles Bishop

Zip Code: 98312

Date: 4-27-18

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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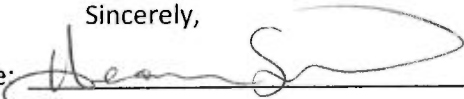
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Sincerely,

Signature:



Name:

Heather Spain

Zip Code:

98364

Date:

4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: Craig Laidhamer

Zip Code: 98311

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Ivania Ordonez

Name: Ivania Ordonez

Zip Code: 98383

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Kyle Barzon

Zip Code: 98566

Date: 4.27.14

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Liza Pangborn

Zip Code: 98383

Date: 26 APR 2019



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:

Name:

Zip Code:

Date:

  
Desirae Murphy  
98383  
4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,  
Signature:   
Name: KEVIN W. FORD  
Zip Code: 98337  
Date: 4-27-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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The Humane Society is a national organization with national funding to support this monopolizing legislation. Farmland and local breeders don't have resources to fight against national money. They are Kitsap family owned and operated. Farmland has been in business in Kitsap County for more than 40 years. Our laws need to support our people and our local businesses.

People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name:           Jacquelyn Sharp          

Zip Code:           98311          

Date:           April 28, 2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

We support local families and local businesses. There is a place for a well-adjusted, socialized puppy to be part of a family.

It is good to have the option of adopting an abused/neglected dog/cat and bringing them back to be a well-behaved member of society, but there is also a place for a family to adopt a puppy with a "clean slate", a well-adjusted, socialized puppy to be part of a family. There is room in Kitsap County for both options.

The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

The breeder used by Farmland is reputable: has less dogs in their kennels than permitted, has air-conditioned spacious kennels, constant vet care available, and even hires people to pet their puppies. The dogs sold by Farm Land evidence this by being well-adjusted, friendly and open to family love.

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Additional Comments:

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Sincerely,

Signature: 

Name: Michael DeClerk

Zip Code: 98380

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature: *Eric Baker*

Name: *Eric Baker*

Zip Code: *98383*

Date: *4-27-19*

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

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Sincerely,

Signature: 

Name: WISB, SEND

Zip Code: 98528

Date: 27AUG19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: RICHARDS BUREANS

Zip Code: 98393

Date: 26 APR 19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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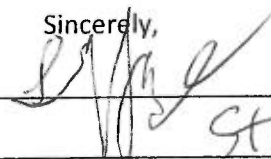
Additional Comments:

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Sincerely,  
Signature:   
Name: Steve LANGE  
Zip Code: 98366  
Date: 4/27/19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:

Jean M. Lange

Name:

JEAN M. LANGE

Zip Code:

98310

Date:

4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Richard D. Lewis

Name: RICHARD D. LEWIS

Zip Code: 98566

Date: 28 APRIL 2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:


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Sincerely,

Signature:   
Name: Katy Ann Cornell  
Zip Code: 98344  
Date: 4-29-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

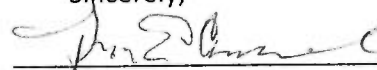
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Sincerely,

Signature: 

Name: Thomas J. Cornell

Zip Code: 98344

Date: 4-28-18

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Eric Blosser

Zip Code: 98366

Date: 4/27/2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,  
Signature: Garrett Blossom  
Name: Garrett Blossom  
Zip Code: 98353  
Date: 4/28/2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Kyle Oien  
Name: Kyle Oien  
Zip Code: 98312  
Date: April 27 2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: *Ruby Feir*  
Name: Ruby Feir  
Zip Code: 98383 / 98528  
Date: 4/27/19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Jeremy Dutton

Name: Jeremy Dutton

Zip Code: 98311

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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The Humane Society is a national organization with national funding to support this monopolizing legislation. Farmland and local breeders don't have resources to fight against national money. They are Kitsap family owned and operated. Farmland has been in business in Kitsap County for more than 40 years. Our laws need to support our people and our local businesses.

People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature: 

Name: Camden Jobe

Zip Code: 98315

Date: 4/27/2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

We support local families and local businesses. There is a place for a well-adjusted, socialized puppy to be part of a family.

It is good to have the option of adopting an abused/neglected dog/cat and bringing them back to be a well-behaved member of society, but there is also a place for a family to adopt a puppy with a "clean slate", a well-adjusted, socialized puppy to be part of a family. There is room in Kitsap County for both options.

The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: William Miller

Zip Code: 98383

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature: 

Name: Alexis Smith

Zip Code: 98311

Date: 04/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:

*Katie Berry*

Name:

*KATIE BERRY*

Zip Code:

*98370*

Date:

*4/27/14*

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

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Sincerely,

Signature: Kristen Kumukahi Stephens

Name: Kristen Kumukahi Stephens

Zip Code: 98311

Date: 4-27-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:


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Sincerely,

Signature: 

Name: CHARLES MASON

Zip Code: 98383

Date: 04/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: \_\_\_\_\_

Name: Austin Baker

Zip Code: 9529

Date: 4/27/19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature: Millie Blake

Name: MILLIE BLAKE

Zip Code: 98383

Date: 4/27/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: Alan O. ...

Zip Code: 98312

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

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Sincerely,

Signature: 

Name: TRISNA GLOCKNER

Zip Code: 98528

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature: 

Name: Haven B. Baker

Zip Code: 98315

Date: 4-20-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Marilyn J Pacopac

Name: Marilyn Pacopac

Zip Code: 98312

Date: 4-26-2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Sadie White

Name: Sadie White

Zip Code: 98383

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Cameron Alvey

Name: Cameron Alvey

Zip Code: 98380

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Angela Potter

Name: Angela Potter

Zip Code: 98312

Date: 4-26-19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Brianna Hamilton

Name: Brianna Hamilton

Zip Code: 98341

Date: 04/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

We support local families and local businesses. There is a place for a well-adjusted, socialized puppy to be part of a family.

It is good to have the option of adopting an abused/neglected dog/cat and bringing them back to be a well-behaved member of society, but there is also a place for a family to adopt a puppy with a "clear slate", a well-adjusted, socialized puppy to be part of a family. There is room in Kitsap County for both options.

The Humane Society serves a need in Kitsap County, providing homes for abused and neglected dogs, often from out of the county, and allowing families to nurture these animals back to being good members of society. Because of the Human Society dogs' past experience with humans, most of the dogs available are not adoptable to families with children under 12. It is good for families with younger kids to be able to have a pet family member!

The breeder used by Farmland is reputable: has less dogs in their kennels than permitted, has air-conditioned spacious kennels, constant vet care available, and even hires people to pet their puppies. The dogs sold by Farm Land evidence this by being well-adjusted, friendly and open to family love.

Local breeders should have the opportunity to operate in Kitsap County with proper permits.

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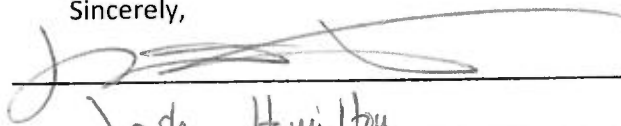
People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature:



Name:

Josh Hamilton

Zip Code:

98311

Date:

April 26, 2014

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: STEPHANIE PHILPOT

Zip Code: 98383

Date: 4-26-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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People should continue to have a choice where they adopt their family pet. It shouldn't be dictated by a national organization (no matter how good) or neighboring counties (King).

Additional Comments:


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Sincerely,

Signature: 

Name: Mallory Wilde

Zip Code: 98312

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

We would like to continue to have a choice as to where we buy our pets. Therefore, we are opposed to the changes in Kitsap County Code Title 7, retail sales of animals.

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Additional Comments:

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Sincerely,

Signature: 

Name: Lucas Wilde

Zip Code: 98312

Date: 4-26-19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: JOSEPH STAKER

Zip Code: 98383

Date: 26 APRIL 2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Lisa M. Greer

Name: Lisa M. Greer

Zip Code: 98312

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: ROBERT CRIPPEN

Zip Code: 98383

Date: 4/20/19



Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Samantha Wright

Name: Samantha Wright

Zip Code: 98370

Date: 4/26/10

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: Aislinn Henry

Name: Aislinn Henry

Zip Code: 98312

Date: 4/26/19

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Additional Comments:

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Sincerely,

Signature: Harry Erickson

Name: Harry Erickson

Zip Code: 98312

Date: 4/26/12

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Brad Pitt

Zip Code: 98383

Date: \_\_\_\_\_

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Cassandra Miller

Zip Code: 98383

Date: 4/26/19

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature:  \_\_\_\_\_

Name: ALLAN TURLEY

Zip Code: 98311

Date: 04-26-2019

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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Sincerely,

Signature: 

Name: Cameron Zimmerman

Zip Code: 98383

Date: 4/26/14

Eric Baker and Kitsap County Commissioners (Robert Gelder, Ed Wolfe, and Charlotte Garrido):

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Additional Comments:

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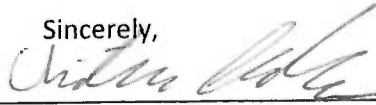
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Sincerely,

Signature:



Name:

Christian Palmer

Zip Code:

~~98308~~ 98380

Date:

4/26/19