Unintended Consequences: Pair of Measures Designed to Regulate Internet & Commercial Puppy Sales Could Devastate America's Responsible Small/Hobby Breeders

The American Kennel Club (AKC) is the only not-for-profit purebred dog registry devoted to the health and wellbeing of all dogs. As the leading expert on purebred dogs and responsible dog breeding in the United States, the AKC expects breeders to give careful consideration to health issues, temperament, and genetic screening as well as to careful placement of puppies in appropriate homes. As a not-for-profit organization, we demonstrate our dedication to dogs and responsible dog ownership through a variety of educational programs, the AKC Humane Fund, more than $24 million dollars in donations given to canine health research through the AKC Canine Health Foundation, and by conducting thousands of kennel inspections each year of breeders who register their dogs with the AKC.

ALASKAN MALAMUTE- ©ISABELLE FRANCAIS FOR AKC

"Two current controversial measures designed to improve the wellbeing of dogs by amending definitions in the AWA…would do irreparable damage to the future of responsibly-bred purebred dogs as family pets."

The AKC supports strong enforcement of the Animal Welfare Act (AWA) and cruelty and negligence laws that exist in all 50 states. We share regulators' concerns about substandard Internet puppy sellers. We do not oppose the concept of regulating high-volume breeder-retailers. However, **two current controversial measures designed to improve the wellbeing of dogs by amending definitions in the AWA are not only unlikely to address the substandard conditions of facilities currently operating illegally, they also would devastate some of America's most responsible small/hobby breeders. If these measures advance as currently proposed, it would do irreparable damage to the future of responsibly-bred purebred dogs as family pets.**

PUPS bill (S. 395/H.R. 847): Reasonable Fixes Could Avoid Devastating Unintended Consequences

Although designed to regulate *Internet* sales of puppies, this bill was written so broadly that it would require *anyone who shares an ownership interest* in a few female dogs that produce 50 or more puppies offered for sale in a year to be subject to USDA dog dealer regulations regardless of whether they personally maintain or breed those dogs.

These requirements were designed for **high-volume commercial kennels that maintain dogs and produce puppies for wholesale, and require a USDA commercial license, maintenance of specified commercial kennel engineering standards and regular inspections. They are not appropriate for pet owners or small breeders who keep only a few dogs in their homes and individually breed significantly fewer than 50 puppies a year.**

AKC is concerned that the measure's overly broad definition does not take into account co- and joint ownership relationships common among dog owners, dog show participants, hunting club members, sporting dog trainers and other hobbyists. It would hurt many responsible small hobby breeders who maintain only a few dogs in their homes by subjecting them to commercial standards of regulation as a result of joint or co-ownership agreements. Moreover, it would force many responsible hobby/small breeders to move their pets from a home setting into an industrial or commercial environment. Many responsible breeders would give up breeding before placing dogs into an environment that they do not believe is in the best interest of their dogs. *AKC believes a better option is to strike ownership language; and simply define high volume retail dog breeder as an individual that breeds and sells more than 50 puppies a year.*

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Another concern is the definition of a "breeding female" as an intact female dog aged *4 months* or older. This is misleading and implies that a female dog may be bred at 4 months. Female dogs are not sufficiently mature at 4 months of age to be bred. AKC believes this should be struck from the bill. It is misleading and not relevant to the rest of the measure.

Current requirements for daily exercise would prohibit exercise that is "solitary", "repetitive" and "goal oriented". This would include reasonable, standard and common forms of exercise such as field training, retrieving/games of fetch, or monitored exercise on a lead or treadmill. AKC *suggests removing these types of activity from prohibitions on acceptable exercise.*

SHETLAND SHEEPDOGS – ©WHITEHALL SHELTIES, INDIANA. USED WITH PERMISSION

"[These proposals] would likely depress responsible breeding by the law-abiding, responsible small breeders this nation has traditionally supported and revered."

APHIS Proposed Rule: Unreasonable Changes Could be Detrimental to Dogs and Responsible Breeders

A proposed rule issued by USDA/APHIS in 2012 (Docket No. APHIS-2011-003; RIN 0579-AD57) was also intended to address reasonable concerns about substandard Internet puppy sales. Unfortunately, like the PUPS bill, the proposed rule vastly expands regulation beyond that objective and instead would subject individuals who keep as few as five dogs and transfer a single puppy sight unseen, to federal regulation and inspection as high-volume dog dealers.

Rather than focusing on the condition in which animals are maintained or actually regulating Internet sales, the proposal redefines "retail pet store" using a flawed transactional model that requires anyone who maintains more than four "breeding females" (a term the rule does not define) and transfers just one dog in any manner without a face-to-face interaction to be regulated as a high-volume commercial dealer.

The proposal is nearly impossible to enforce, punishes small hobby breeders, and does not consider that many responsible, selective hobby breeders–especially those with rare breeds–often sell or transfer dogs to repeat customers, family or trusted colleagues around the country without a face-to-face handoff of the dog. Moreover, the concept of a simple face-to-face handoff provides no intrinsic assurance of the care and conditions of the animals, the facility in which they are raised, or quality of breeding stock. For example, a roadside hand-off or a sale that takes place in a shopping center parking lot should not be considered to reasonably afford any significant public "oversight".

The Regulatory Impact Analysis & Initial Regulatory Flexibility Analysis (RIA) performed by APHIS estimates that only 1,500 people would be impacted by this change. The AKC believes that the number of hobbyists or small breeders who would be impacted by the new rule is approximately 10 times greater. For example, the number of breeders who registered more than four litters in 2011 with the AKC is greater than 10,700. Assuming that most of these individuals maintain at least four intact females, and considering that this number does not account for dogs not registered with the AKC and other species, it can easily be extrapolated that the APHIS analysis is flawed.

Likewise, APHIS estimated their cost estimates for breeders based on typical improvements needed to an existing outdoor commercial kennel following pre-licensing inspections. Even if such upgrades are possible to residences and hobby kennels, those costs may be extremely prohibitive. (Details and a copy of AKC's official comments and recommendations for alternatives are available online at *www.regulations.gov* or from the American Kennel Club.)

Both PUPS and the proposed APHIS rule would exponentially expand the pool of breeders regulated and inspected by USDA/APHIS. At a time when USDA/ APHIS inspection and enforcement resources are already stretched , such overregulation is unnecessary, unreasonable and tantamount to harassment of small breeders. Moreover, the measures would have little impact on the wellbeing of dogs (in some cases potentially harming them) or on stopping illegal breeders. Instead, they would likely depress responsible breeding by the law-abiding, responsible small breeders this nation has traditionally supported and revered.

[1] *A May 2010 audit of this program by the USDA Inspector General demonstrated that the existing inspections program is insufficient to carry out current responsibilities. U.S. Department of Agriculture, Office of Inspector General, Audit Report 33002-4-SF. "Animal and Plant Health Inspection Service Animal Care Program, Inspections of Problematic Dealers". May 2010.*