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MEMORANDUM on Behalf of the ASPCA's 22,000 Connecticut Supporters:

- **Requesting Amendment of HB 5027 to Prohibit the Sale of Commercially Bred Dogs and Cats in Pet Shops**
 - **Urging Joint Favorable Report for HB 5844 to Prohibit the Tethering of Dogs Overnight and Under Harsh Weather Conditions Unless Certain Conditions are Met**
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(1) HB 5027: Please amend to prohibit the sale of commercially bred dogs and cats in pet shops.

Because of the pervasive cruelty in the commercial dog breeding industry, municipalities across the country and internationally - most recently, city of 4 million people, Los Angeles (Nov. 2012) - are choosing to prohibit the sale of commercially bred dogs and cats in pet shops and instead require pet shops to source these animals from registered rescue organizations.

The ASPCA estimates that 99% of dogs sold in pet shops come from “puppy mills” - defined by the ASPCA as large-scale commercial breeding operations where profits are given a higher priority than the well-being of the dogs they produce.

For a variety of reasons, it is very difficult for most states harboring puppy mills to regulate them appropriately. Nor are puppy mills properly regulated under federal law. First, the federal regulations are wholly inadequate. Although any breeder with more than three breeding female dogs who sells puppies wholesale to brokers or pet stores must be licensed and inspected by the United States Department of Agriculture (USDA), this requirement is unfortunately no guarantee of humane treatment for the breeding dogs. To the contrary, it is purely a certification that the entity is engaged in the practice of commercially breeding dogs for a profit. Dogs may be kept for their entire lives in cages that are only 6 inches longer than the dog in each direction (think, beagle in a household dishwasher) with wire floors that paws get cut on and openings that paws and feces fall through, stacked on top of each other, the dogs allowed to be bred at every heat cycle for their entire lives. Federal law fully sanctions such cruelty - treatment that most of us would likely call the authorities to investigate if it were to occur immediately in front of us.

In addition, according to the U.S. Office of the Inspector General - which in 2010, audited USDA's inspection process - USDA enforcement of these minimal regulations is extremely poor. The photos in the Inspector General's report - a few of which are pasted below - are very disturbing images of such conditions as open wounds, tick and insect infestations, and fecal accumulation, that went largely unaddressed by USDA inspectors and reflect the USDA's inadequate response to pervasive inhumane conditions in commercial breeding facilities.



OK breeder, 83 adult dogs: Repeatedly cited for various violations including lack of adequate veterinary care for 3 dogs with hair loss over their entire bodies and raw, irritated spots on skin, **but USDA took no enforcement action. In subsequent incident**, dog's flesh eaten down to bone due to untreated bite wound, and breeder admitted to USDA inspector that dog had been in this condition for at least 7 days. Inspector required dog to be taken to veterinarian, who immediately euthanized dog. However, USDA inspector did not recommend investigation of breeder's failure to provide veterinary care until observation of another serious violation in subsequent inspection, and **breeder still not fined 11 months after inspector first observed dog.**



TX breeder: Dog had cloudy eyes covered with a heavy discharge, matted hair, and skin irritations. Inspector cited breeder for lack of adequate veterinary care and required breeder to take dog to a veterinarian for treatment. **Inspector did not designate this as a more serious direct violation (i.e., violation with high potential for adversely affecting dog's health).**



TX breeder: Dogs had drinking water that contained algae and feces. The water receptacle was also chewed and unclean. **The inspector verbally told the breeder to clean the water receptacle but did not cite these violations.**



Puppy broker allowed cockroach infestation in food receptacle. Inspector required broker to correct contaminated food within 5 days. However, **by not designating this as a direct violation (i.e., violation with high potential for adversely affecting dog's health), inspector will not know if the correction occurred as she will not return for a re-inspection for a year.**

Over the last several years, the Connecticut legislature has tried indirectly to address the puppy mill problem by requiring pet shops to identify breeders and brokers, clarifying pet shops' obligation to reimburse consumer for certain veterinary expenses under the Pet Lemon Law, and most recently, authorizing the state Department of Agriculture to fine pet shops for poor sanitation and inhumane treatment of animals. **However, pet shops do not comply with these requirements and the state laws are not enforced - and, at the end of the day, Connecticut simply cannot undo the cruelty that is endemic to the puppy mill industry from which this state's 17 pet shops purchase their dogs.**

In fact, in reviewing the USDA inspection reports for just three of the large breeders who were supplying to two Connecticut pet shops as of October 2012, one finds a parade of horrors, including:

- exposed sharp points on which dogs can cut themselves (especially serious given the problem of delayed or absent veterinary care)
- untreated illness/injury
- significant fecal accumulation and dirty food receptacles
- failure to provide water (in one case below, dogs had not been given water since the day before and then were given water only upon the USDA inspector's directive, at which time they drank incessantly for at least a minute)
- poorly ventilated kennels, including excessively warm temperatures and ammonia-saturated air that caused the inspectors' noses to burn
- cages that were too small for their occupants – bad enough by itself, but recall that the mother dogs remain in these cages 24/7 until “spent”
- insect infestation
- dogs without bedding
- dogs living in almost total darkness.

A Connecticut dog owner would be prosecuted for such mistreatment of animals. Connecticut must stop facilitating this abuse elsewhere. And given that there are well over a hundred licensed pet shops in Connecticut, but only seventeen shops sell dogs, there is clearly another potential business model for these shops to follow. **Please don't support cruelty. Please amend HB 5027 to prohibit the sale of dogs and cats in pet shops.**

(1) HB 5844: Please joint favorably report this bill to prohibit the tethering of dogs overnight and under harsh weather conditions unless certain conditions are met.

In 2003, Connecticut became the first state to attempt to regulate the practice of excessively chaining or confining a dog. Not only is dog chaining inhumane, but chained dogs are also a public safety hazard. Specifically, studies indicate that chaining is associated with dog aggression and biting.¹ In fact, according to one researcher, chained dogs were responsible for 25% (or 109) of U.S. dog bite fatalities from 1965-2008. Of these fatalities, 99 were children who wandered into the reach of a chained dog, and the other 10 were instances in which chained dogs broke free before attacking.²

¹ Gershman, K., Sacks, J., Wright, J., 1994. Which dogs bite: A case control study of risk factors. *Pediatrics* 93, 913-917.

² New Mexico Department of Public Safety, 2008. The Public Safety and Humane Implications of Persistently Tethering Domestic Dogs. *See online at http://www.apnm.org/campaigns/chaining/Final_DPS_Tethering_Study.pdf.*

However, animal control officers pronounced the 2003 law unenforceable given its vague mandate not to chain a dog for an “unreasonable period of time,” and so in 2010, the legislature enacted a much more concrete law with clear, easily understood prohibitions related to such things as tether length, type, and thickness.

The 2010 law was progress, but more remains to be done, as reflected in this bill, HB 5844:

- By restricting overnight chaining to very limited circumstances, HB 5844 would finally allow law enforcement to address the 24/7 chaining that harms dogs, threatens the public, and so disturbs those who must see these dogs every day and hear their plaintive cries - or perhaps see them become listless when they know no help is forthcoming.
- In addition, HB 5844 would clarify under what weather conditions a dog would need to be given shelter, and the required parameters of such shelter.

Unfortunately, Connecticut’s cruelty law is insufficient to prevent the chaining of dogs under either of these circumstances. Under the cruelty law, animal control can do little about a chained dog “merely” because this dog is chained continuously; there must be clear evidence of physical harm. Similarly, I have yet to see the cruelty law invoked to ensure proper shelter for a dog unless the dog is already exhibiting clear signs of harm due to the weather (e.g., hypothermia) or conditions are otherwise grave.

And is this the best use of the criminal court system when another, more elegant solution is available?

In contrast with the cruelty law, HB 5844 is common sense endangerment legislation that would allow animal control officers to intervene on behalf of dogs under very precisely defined circumstances in order to avert unnecessary harm to such dogs.

Please joint favorably report HB 5844.

Sincerely,



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