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MEMORANDUM IN SUPPORT OF S.B. 445
AAC Certain Recommendations of the Task Force on the Sale of Cats and Dogs from Inhumane Origins at Connecticut Pet Shops

The American Society for the Prevention of Cruelty to Animals (ASPCA), **as the oldest humane society in the country, and on behalf of our over 20,000 Connecticut supporters, urges the Joint Environment Committee to favorably report S.B. 445 (AAC Certain Recommendations of the Task Force on the Sale of Cats and Dogs from Inhumane Origins at Connecticut Pet Shops).**

We respectfully request that the Committee pass a joint favorable substitute bill that:

(1) makes the following amendments to the incorporated Task Force recommendations;

(2) incorporates the omitted Task Force recommendation that would prohibit the sale of puppy mill dogs in future pet stores; and

(3) also provides for the phase-out of the sale of puppy mill dogs in the 16 pet shops oddly still selling them despite the objectively inhumane treatment of dogs who are sadly victims of the puppy mill trade:

Amendments to Incorporated Task Force Recommendations

1. **In Subsection 2(b), clarify that the proposed penalty for a pet shop selling a sick dog or cat to a consumer, the penalty is either five hundred dollars OR one hundred fifty percent of the purchase price, *whichever is greater*.**

2. **In Subsection 2(c), state that the fine for selling a sick dog could be at least *one hundred fifty percent of the purchase price of such dog or cat*. The potential fine should at least match the amount that a pet shop may have to pay a consumer for a sick dog or cat -- thereby preventing a pet shop from choosing to pay a lower fine rather than reimbursing the consumer.**

3. **In Subsection 3(c), state that pet shop licensees should post the 2 prior years of USDA breeder inspection reports and make them available to the public.**

4. **In Subsection 4(b), clarify that all breeders who sell to pet shops, whether in-state or out-of-state, must be licensed by the USDA. Also clarify that any third party person, firm, or corporation from which a pet shop buys a dog must be licensed by the USDA and cannot have obtained such dog, either directly or indirectly, from a breeder with the prohibited quotient of direct/indirect violations.**

(1) Incorporate Omitted Task Force Recommendation to Prohibit the Sale of Puppy Mill Dogs in Future Pet Stores, and (2) Phase-Out the Sale of Puppy Mill Dogs in the 16 Pet Shops That Still Sell Them

5. **Add a new section 6 to require pet shop license applicants to include additional identifying information in their license applications.**

6. **Add a new section 7 that prohibits new pet shop licensees from selling commercially-bred dogs and requires current pet shop licensees to phase out such sales by July 1, 2019. Clarifies that "new pet shop licensee" includes any of the enumerated individuals/entities not identified in a pet shop license application approved prior to the bill's effective date.**

What's Happening in Connecticut

- The Connecticut Legislature's ***Task Force Concerning the Sale of Cats & Dogs at CT Pet Shops from Inhumane Origins*** completed its work on Friday, January 31, 2014.

- Among other recommendations, the Task Force **proposed an immediate ban on the commercial sale of puppies in newly licensed pet shops.**

- The animal welfare organizations represented on the Task Force – the ASPCA, CT Votes for Animals (CVA), and The HSUS – **also seek the phase-out of the sale of commercially-bred dogs in the 16 pet shops still selling them.** (100+ Connecticut pet shops do not sell dogs.)

S.B. 445 – AAC Certain Recommendations of the Task Force on the Sale of Cats and Dogs from Inhumane Origins at CT Pet Shops (SUPPORT with modification)

- S.B. 445 partially tracks the Task Force recommendations
  - E.g.., improved lemon law; potentially harder for breeders with USDA violations to sell to pet shops
    - The ASPCA urges revision of a few provisions
  - No ban on the commercial sale of puppies in newly licensed pet shops
    - The ASPCA urges reinstatement of this Task Force recommendation.
- No phase-out of the sale of commercially-bred dogs in the 16 pet shops still selling them.
    - The ASPCA urges addition of this provision.

Connecticut Pet Shop Stats

- In 2009, Connecticut enacted a law requiring pet shops to identify the hundreds of breeders (and any brokers) supplying their dogs.
- In 2012, 16 Connecticut pet shops purchased dogs from over 600 mostly midwest breeders.
  - 156 unlicensed breeders
  - Of the 450 or so USDA-licensed breeders, 335 had been cited by USDA inspectors for violations of the Animal Welfare Act within the prior 3 years

Federal Law is Inadequate

- The USDA licenses and inspects commercial dog breeders according to standards set forth by a federal law called the Animal Welfare Act (AWA).
  - The AWA is inadequate to prevent the mistreatment of dogs in the commercial breeding facilities supplying CT pet shops.
  - Thus, a USDA license is not a certification of a breeder's humaneness – only of the breeder's legal right to breed.
- **Under the AWA, it is LEGAL for breeders to:**
  - fail to provide dogs with veterinary care (9 CFR§ 2.40)
  - keep the indoor temperature no higher than 45 degrees (9 CFR§ 3.2)
  - provide dogs with bedding only if the indoor or outdoor temperature falls below 50 degrees (9 CFR§ 3.2; 9 CFR § 3.4)
  - expose dogs to artificial light alone and provide no natural light (9 CFR § 3.2)
  - confine a dog 24/7 so that she has no more than six inches of space on all sides (9 CFR §3.6)
  - provide dogs with wire flooring only and no solid flooring (9 CFR §3.6)
  - confine dogs in stacked cages (9 CFR §3.6)
  - fail to plt is also legal - and rovide dogs with exercise or any socialization with people or other dogs (9 CFR §3.8).
  - breed dogs repeatedly with little or no recovery time between litters and to kill them when they are "spent" after a few years.

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Poor USDA Enforcement

- USDA enforcement of the AWA is poor and cannot be relied upon to identify and penalize non-compliant breeders.
  - In a 2010 audit, the U.S. Office of Inspector General concluded that the USDA's enforcement process was altogether insufficient, and "ineffective against problematic dealers."
- Since the audit's release, violators are still rarely fined or their licenses suspended, with most receiving only warnings after lengthy enforcement proceedings (i.e., almost 4 years, on average).

Poor USDA Enforcement

- The USDA employs only approximately 120 inspectors to inspect all USDA-licensed and regulated breeders, dealers, transporters, exhibitors, and research institutions.
- There are currently almost 2000 licensed breeders alone, a number that will jump possibly by the thousands (i.e., to as many as 4600 licensed breeders) due to the new USDA rule requiring licensure and inspection of breeders selling online.

Untreated Illness and Injury

Sharon Hubbard, USDA license #48A1519 (Kansas)
Untreated neck wound

Victor Graber, USDA license #33A0515 (Illinois)
Untreated eye injury

Linda Thorp, USDA license #42A1140 (Iowa)
Dead schnauzer puppy discovered by USDA

Harvey Burkholder, USDA license #42A1140 (Ohio))
Grade 5 periodontal disease

Waste Accumulation, Grime, Unavailable Water, and Insect Infestation

Dean Dekkers, USDA license #42A1251 (Iowa)

Waste accumulation under cages

Brad Grotewold, USDA license #42A0119 (Iowa) – has sold to broker Hunte Corp.

Waste accumulation/grime

Menno & Toby Borntreger, USDA license #42A1438 (Iowa)

Waste accumulation and fly infestation

Janelle Yates, USDA license #43A5324 (Missouri)

Puppies standing in food bowl after walking through waste

Inadequate Shelter/Water

John Schmucker, USDA license #32B0210J (Indiana)

Puppies in too small cages, unable to stand

Janelle Yates, USDA license #43A5324 (Missouri)

Heat index 113.5 degrees (98.9 degrees real temp); 2 Dachshunds with no water

Henry Wagler, USDA license # 32A0244 (Indiana)

Green (undrinkable) water

The overwhelming majority of Connecticut families do not obtain their dogs from the 16 pet shops that still sell puppies.

- To support a "consumer demand" claim, pet industry representatives argued to the Task Force that 7,000 puppies were sold by Connecticut pet shops in 2012. But there are approximately 500,000 dog-owning households in Connecticut (*AVMA U.S. Pet Ownership & Demographics Sourcebook, 2012)*, so pet shops fill a fraction of the demand.

- Several rescue organizations testified before the Task Force regarding the abundance of rescued puppies available to Connecticut adopters.

- Over 100 Connecticut pet shops do not sell dogs and thrive, including small local businesses.

The Cost

- In FY 2012, Connecticut's Animal Population Control Program (APCP) spent $733,199 to reduce overpopulation, while 2,700 dogs and cats were euthanized in Connecticut's municipal shelters.

- According to peer-reviewed studies, the puppy mill trade produces adult breeding dogs and puppies (who end up in Connecticut) with severe, extensive, and long-term harm to their behavioral and psychological well-being.

Sincerely,

Debora M. Bresch, Esq.