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March 17, 2014

Environment Committee  
Room 3200, Legislative Office Building  
Hartford, CT 06106 (860) 240-0440

Re: **S.B. 445** AAC CERTAIN RECOMMENDATIONS OF THE TASK  
FORCE ON THE SALE OF CATS AND DOGS FROM INHUMANE  
ORIGINS AT CONNECTICUT PET SHOPS

Dear Co-Chair Meyer, Co-Chair Gentile, and Honorable Members of the  
Environment Committee,

On behalf of the Connecticut supporters of The Humane Society of the United  
States, please accept this testimony in **support of S.B. 445 with the  
recommendation that the following “humane sourcing” language be  
amended:**

*On and after July 1, 2014, no new pet shop licensee who did not hold a pet  
shop license prior to the effective date of this act, and on and after July 1,  
2019, no pet shop licensee, shall: Sell, adopt out or transfer a dog, or  
allow a dog to be sold, adopted out or transferred to the public on the  
premises of a pet shop, unless such dog was obtained from (1) a publicly  
operated animal control facility, or (2) an animal shelter or rescue  
organization that is a tax exempt organization under Section 501(c)(3) of  
the Internal Revenue Code of 1986, or any subsequent corresponding  
internal revenue code of the United States, as from time to time amended,  
whose primary mission and practice is the rescue and placement of  
abandoned, unwanted, neglected or abused animals.*

The HSUS opposes the sale of puppies bred in inhumane conditions everywhere  
that they are sold, including in Connecticut pet shops, and supports amending  
the general statutes to require pet shops to source puppies solely from humane  
origins. We offer this as the most viable solution to the 2013-14 task force  
objective (per Special Act No. 13-19) of reducing the proliferation of dogs  
sourced from inhumane origins and sold in Connecticut pet shops<sup>1</sup>.

• **Connecticut pet stores sell puppies from inhumane sources**  
Certificates of Origin and USDA inspection reports and photographs

<sup>1</sup> “An Act Establish a Task Force Concerning the Sale of Cats and Dogs at Pet Shops,” CT Special Act No. 13-10, approved 21 June, 2013.

demonstrate that many of the puppies sold by Connecticut pet shops are acquired from inhumane sources.<sup>2</sup> Many, in fact, are acquired from some of the most notorious puppy mills in the nation,<sup>3</sup> where federal inspectors discovered dead and dismembered puppies, dogs with feet falling through rusted wire cage floors, untreated illnesses and medical conditions, dogs exposed to extreme weather conditions without adequate shelter, dogs kept in complete darkness, and a litany of similarly appalling conditions.<sup>4</sup>

#### • Problems associated with pet shop puppy sales

Proponents of pet store puppy sales have suggested that a 1994 study<sup>5</sup> indicates that puppies acquired from pet stores are as healthy as those acquired from any other source. That study looked at dogs acquired from private owners, SPCA's/pounds, breeders, and pet shops, and determined that the prevalence of serious disease, behavioral problems, and congenital problems did not differ significantly between the four sources. The study did find that pet shop puppies exhibited a higher prevalence of respiratory disease, and that puppies from pet shops and pounds had a significantly higher rate of intestinal tract diseases. Importantly, the study relied on problems reported by owners and veterinarians only within the first two weeks of ownership – clearly an insufficient time to accurately assess the presence of congenital and hereditary disorders, which may not manifest for years. The Orthopedic Foundation for Animals, for example, requires that a dog be at least 2 years of age before they will certify the animal's hips as non-dysplastic. Moreover, the study is nearly 20 years old and cannot be considered reflective of current conditions due to significant advances in preventative veterinary care over the last 2 decades.

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled “Little Shop of Sorrows”<sup>6</sup> was produced: 44% of the locations visited had sick and neglected animals, 32% of the animals were confined in unhealthy, cramped, or crowded conditions and 25% of the animals didn't even have adequate food or water.

A landmark 2011 study appearing in *Applied Animal Behavior Science* analyzed behavioral characteristics of 1,100 dogs rescued from puppy mills who had been in their new homes an average of 2 years, and found that the dogs had significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched<sup>7</sup>.

Most recently, a 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”<sup>8</sup> concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a

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<sup>2</sup>CT Alliance for Humane Pet Shops, “CT Pet Stores,” <http://humanepetshops.wordpress.com/ct-pet-stores>, (accessed 5 Dec. 2013).

<sup>3</sup>Rasmussen, Karen, Westport Coalition Against Puppy Mills, “Thirty Breeders used by CT puppy stores in 2012 From the 2013 HSUS ‘A Horrible Hundred’ List,” testimony to this Task Force, 16 Oct, 2013.

<sup>4</sup>The Humane Society of the United States, “A Horrible Hundred: Problem Puppy Mills in the United States,” [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/100-puppy-mills-report.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/100-puppy-mills-report.pdf) (accessed 5 Dec. 2013).

<sup>5</sup>Scarlett, Janet M, DVM, PhD; John E. Saidla, DVM; Roy V. H. Pollock, DVM, PhD, “Source of acquisition as a risk factor for disease and death in pups,” *Journal of the American Veterinary Medical Association* 204, No.12 (1994), 1906-1913.

<sup>6</sup>Animal Welfare Institute, “Little Shop of Sorrows: An Undercover Investigation into California Pet Shops,” [http://www.bornfreeusa.org/downloads/pdf/PetShops\\_Report.pdf](http://www.bornfreeusa.org/downloads/pdf/PetShops_Report.pdf), (accessed 5 Dec. 2013).

<sup>7</sup>McMillan FD, Duffy DL, Serpell JA. Mental health of dogs formerly used as ‘breeding stock’ in commercial breeding establishments. *Applied Animal Behaviour Science*. 2011;135(1-2):86-94.

<sup>8</sup>McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

wide range of undesirable behavioral characteristics, especially aggressive behavior. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

- **Existing Connecticut law is insufficient to prevent the proliferation of dogs sourced from inhumane origins**

Existing pet shop law in Connecticut stacks up well against corresponding laws in other states. As the Office of Legislative Research summarized on July 17<sup>9</sup>, existing law requires pet stores to provide animals with a veterinary exam prior to sale and every 15 days thereafter. Pet stores must provide customers with a veterinary certificate attesting good health, and CT is one of fewer than half of the states with a “pet lemon law” providing specific remedies to customers who purchase a dog or cat that was unfit for sale due to an illness or congenital/hereditary condition that existed at the time of sale. Yet none of these provisions have halted the proliferation of dogs from inhumane origins being sold in Connecticut pet shops.

Connecticut’s Department of Agriculture (DoAg) is stretched thin – so thin that the Department was unable to respond to OLR’s request to research the certificates of origin to identify the specific breeders involved in complaints at the two pet shops that received the most consumer complaints. And they Department was unable to report the number of dogs imported in CT pet shops, despite requiring certificates of origin for every imported dog – implying that the certificates are filed upon receipt and not analyzed or tallied.

But fact is that even with full funding, full staffing, and full training, the DoAg would remain unable to stem the flow of dogs from inhumane sources, because those sources are almost exclusively centered in the Midwest -- out of state and outside the jurisdiction of CT agencies.

- **Federal laws and regulations are insufficient to prevent the proliferation of dogs sourced from inhumane origins (See Attachment I)**

The federal Animal Welfare Act provides survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements and can be built upon by the states (See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.). Indeed, the agency’s own Animal Welfare Act Fact Sheet<sup>10</sup> states “*Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.*”

The Act ignores veterinary science regarding dogs’ needs. To cite just two examples:

- The American College of Theriogenologists (ACT) and Society for Theriogenology (SFT) recommend that breeding females should 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>11</sup> and that dogs not be bred more than 5 times in a lifetime.<sup>12</sup> <sup>13</sup> Similarly, the American Kennel Club says “One month

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<sup>9</sup> Leduc, Janet LK, CT Office of Legislative Research, “OLR Research Report: Pet Shops and Imported Animals,” 2013-R-0275, 17 July 2013.

<sup>10</sup> U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

<sup>11</sup> Society for Theriogenology, “Position Statement: Welfare of Breeding Dogs,” <http://www.therio.org/?page=PositionStatement#Breeding> (accessed 5 Dec, 2013).

<sup>12</sup> Olson, Patricia N., DVM, PhD, DACT, “Breeding Protocol Review and Recommendations,” email from author, July 2012.

<sup>13</sup> American Kennel Club, “A Guide to Breeding Your Dog,” [http://images.akc.org/pdf/breeders/resources/guide\\_to\\_breeding\\_your\\_dog.pdf](http://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf) (accessed 5 Dec, 2013).

before breeding, the bitch should have a thorough pre-breeding physical examination by a veterinarian.” Yet the AWA offers no restriction on litter frequency or limitation.

- Science clearly indicates that solid flooring is the most appropriate for terrestrial species<sup>14</sup> such as canids. One study demonstrated that foxes were willing to work to gain access from a wire mesh floor to a solid one. On the solid floor, they performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting (exploring with their muzzles) and jumping<sup>15</sup>. In severe cases, including at a facility that sold puppies to Danbury-based Puppy Love, puppies have been found with paws so damaged that their bones protrude through the skin, with exposed muscle and flesh<sup>16</sup> -- dogs’ limbs may slip through wire mesh flooring, causing severe lacerations or even unintentional amputation of the limb.<sup>17</sup> The American Veterinary Medical Association specifically recommends that “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.”<sup>18</sup> A review of housing needs for dogs kept for research purposes found, in part, that “the majority of experts recommended solid or at least only partially gridded floors and agreed that dogs preferred 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>19</sup> Yet even though USDA inspection reports routinely document injuries caused by wire mesh flooring, the agency in 1999 actually removed a regulatory requirement that breeders provide a solid resting platform for dogs housed on wire,<sup>20</sup> stating that the requirement had been “erroneously added” and was an “unnecessary and unintended requirement.”

Research indicates a systemic problem with the mass production of dogs in commercial facilities, in that continuous confinement frequently causes animals to suffer from chronic anxiety, social isolation, inadequate stimulation, and lack of physical exercise.<sup>21,22,23,24,25,26</sup>

This is an important consideration because it underscores the notion that even if a commercial breeding facility was properly inspected and was fully compliant with all federal laws and regulatory requirements, that facility could, and typically is, keeping dogs in constant

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<sup>14</sup> Hardy A, Windle CP, Baker HF, et al. Assessment of preference for grid-flooring and sawdust-flooring by captive-bred marmosets in free-standing cages. Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386. *Appl Anim Behav Sci* Jan 2004, 85(1-2) 167-172.

<sup>15</sup> Koistinen, T, Mononen, J. Blue foxes’ motivation to gain access to solid floors and the effect of the floor material on their behaviour. *Appl Anim Behav Sci* Sept 2008, 113(1-3) 236-246.

<sup>16</sup> 12 Aug, 2012 USDA Inspection report for Joseph & Rhoda Graber of Odon, Indiana (#32A0350), <http://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx> (accessed 6 Dec, 2013).

<sup>17</sup> United States Department of Agriculture, Office of Inspector General, “ p.11, 53, “Animal and Plant Health Inspection Service Animal Care Program: Inspections of Problematic Dealers,” Audit Report 33002-4-SF, May 2010, pp11, 53.

<sup>18</sup> American Veterinary Medical Association, “Model Bill and Regulations to Assure Appropriate Care for Dogs Intended as Pets,” April 9, 2010.

<sup>19</sup> Moore, Graham, “Assessment of Animal Housing Needs in the Research Setting Using Peer Reviewed Literature Approach: Cats and Dogs,” The Development of Science-Based Guidelines for Laboratory Animal Care: Proceedings of the November 2003 International Workshop. (The National Academies Press, 2004)

<sup>20</sup> “Animal Welfare: Solid Resting Surfaces for Dogs, Final Rule.” Federal Register 64 (April 20, 1999): 19251-19254. Print

<sup>21</sup> Griffin B, Hume KR. Recognition and management of stress in housed cats. In: August JR, ed. *Consultations in Feline Internal Medicine*. 5th ed. St. Louis, MO: Elsevier Saunders; 2006:717-734.

<sup>22</sup> 2 Hennessy MB, Davis HN, Williams MT, Mellott C, Douglas CW. Plasma cortisol levels of dogs at a county animal shelter. *Physiology & Behavior*. 1997;62(3):485-490.

<sup>23</sup> Patronek GJ, Sperry E. Quality of life in long term confinement. In: August JR, ed. *Consultations in Feline Internal Medicine, Current Therapy 4*. Philadelphia, PA: WB Saunders; 2001:621-634.

<sup>24</sup> Stephen JM, Ledger RA. An audit of behavioral indicators of poor welfare in kennelled dogs in the UK. *Journal of Applied Animal Welfare Science*. 2005;8:79-95.

<sup>25</sup> Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386.

<sup>26</sup> Wemelsfelder F. Animal boredom: Understanding the tedium of confined lives. In: McMillan FD, ed. *Mental Health and Wellbeing in Animals*. Ames, IA: Blackwell Publishing; 2005: 79-91.

confinement, on wire flooring, and in a perpetual cycle of breeding, nursing, and weaning until the animal is no longer capable of turning out sufficient litters to be profitable.

- **Inspection reports understate puppy mill cruelty**

Because of the unreliability of the inspection reports, the number of USDA breeders with direct violations in no way reflects actual animal welfare compliance rates.

- A facility may have three consecutive reports reflecting serious violations before receiving a “clean” report, but one clean report in four does not indicate a good operator.

- A facility may have no direct violations for the year simply because they haven’t been inspected this year, or because they refused to allow inspectors access to their property.

- The term “direct violation” appears to be entirely subjective. Licensee Randy Richardson, for example had violations in May 2013 for medications past their expiration dates, medications not labeled for use in dogs, and unlabeled medications. In March 2013 he had a “no access” violation. In Feb. 2011 he had violations for excessive feces and doghouses without flaps to protect animals from the elements. None of these were deemed direct violations<sup>27</sup>.

- The USDA’s Inspector General issued a report in 2010<sup>28</sup> stating, in part, that USDA inspectors misused guidelines to lower penalties for violators. Specifically, OIG found that APHIS inconsistently counted violations, applied “good faith” reductions without merit, allowed a “no history of violations” reduction when the violators did have a history and arbitrarily changed the gravity of some violations and the business size.

- A 2005 USDA/OIG report mirrored those findings. The Detroit Free Press reported in 2006<sup>29</sup> that “the USDA in 2004 opted not to fine Heartland Kennels [a puppy mill in southwestern Minnesota] — which sent at least 123 pups to local pet shops in 2005 — after citing the facility for repeated violations that included confining dogs to cramped, dirty cages that offer no protection from the wind, rain, and snow. In a letter to the facility, the USDA said its run of violations used to result in fines or closure, but current policy ‘is to encourage compliance through education and cooperation rather than legal action’... The USDA’s Office of Inspector General has criticized the agency since the 1990s for failing to adequately crack down on violators. And in a blistering September 2005 report, the inspector general found an ineffective monitoring and inspection system and concluded the USDA failed to take action against ‘violators who compromised... animal health.’”

- Facilities find ways to skirt the rules. The Animal Welfare Act requires, in part, that operators who keep dogs outdoors must receive certification from a veterinarian stating that the dogs are acclimated to prevailing temperatures. The HSUS is in possession of a letter from a Kansas Veterinarian to that state’s Animal Health Department stating that “The short-haired breeds of dogs, including pugs, beagles, *chihuahuas*, and dachshunds owned by Keith Ratzlaff are acclimated to the outside environmental temperatures in Kansas. As long as adequate shelter, bed material, food and water are provided, these animals are *acclimated to temperatures from zero to one hundred ten degrees Fahrenheit.*”<sup>30</sup> (emphasis added)

- **The commercial pet industry fails to provide pet stores with humanely raised dogs**

From Amy Cirincione, owner of Feed Bag Pet Store in Cutchogue, NY: “*I have found that there is no way for me to sell puppies from my retail establishment that does not contribute to the*

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<sup>27</sup> USDA/APHIS Animal Care Information System Search Tool, <http://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx> (accessed 6 Dec. 2013).

<sup>28</sup> United States Department of Agriculture, Office of Inspector General, *ibid*.

<sup>29</sup> Neavling, Steve. “Agency Faulted for Not Cracking Down on Violators,” *Detroit Free Press*, 12 Jul 2006. <http://www.freep.com/article/20060712/NEWS05/60712002> (accessed 6 Dec 2013).

<sup>30</sup> Handlin, Mark DVM. Heartland Veterinary Clinic, McPherson, Kansas. Letter to State of Kansas Animal Health Department, date obscured. Copies available to Task Force members upon request.

*suffering of both the parent dogs and the puppies bred from them. Reputable breeders with high standards of care do not sell their puppies to ANY pet stores for resale. The only option for pet stores wishing to make a profit selling puppies are puppy mills. I do not sell animals in my store because it is impossible to do so without contributing to this barbaric trade.”<sup>31</sup>*

- **Reputable breeders do not sell to pet shops (See Attachment II)**

The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores.

- **There is no shortage of available puppies**

Pet stores do not currently hold sufficient market share to constitute a vacuum should they cease selling dogs entirely. Regardless of this fact, the argument has been made that it may be difficult for families to acquire pets if pet shops are obligated to acquire puppies solely from humane sources. To demonstrate the fallacy of this concern, on November 12, 2013, HSUS staff did a quick scan of breeders of the AKC’s top 10 most popular breeds for 2013, and found 120 breeders of those dogs within 200 miles of Hartford. On that date, there were 734 puppies available from those 120 breeders.

The concern that requiring pet stores to acquire puppies from humane sources could lead to an underground supply of dogs bred at undisclosed and uninspected breeding locations must be considered in light of the fact that Connecticut legislators are unable to impose humane care standards on out-of-state breeders, which are where the puppy mills that supply Connecticut pet shops currently exist.

- **The HSUS proudly supports responsible dog breeders**

The humane community has rallied around responsible dog breeders, and seeks only to disallow the sale in Connecticut pet shops of dogs acquired from puppy mills. The HSUS helped establish a Breeder Advisory and Resource Council (BARC)<sup>32</sup>, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. On our website, we encourage those families and individuals seeking a purebred puppy to seek a responsible breeder, and even offer advice on how to locate a breeder.<sup>33</sup>

- **The HSUS proudly supports humane pet shops**

We have found that pet shops who switch to a humane business model, refusing to sell dogs acquired from inhumane sources, have been very successful and are proud to have rejected the unnecessary cruelty of puppy mills.

From Cynthia Socha, owner of H3 Pet Supply in Stratford, CT: *“As the owner of a successful pet store that does not sell commercially bred animals, I can vouch for the fact that not selling such animals does not guarantee a demise in business. The fact that over 85% of the pet stores that operate in Connecticut do not sell puppies or kittens should be proof enough... This [humane] model has helped us become successful as it generates a tremendous amount of goodwill in the*

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<sup>31</sup> Cirincione, Amy, “Opinion: Feed Bag Owner Says She Will Not Sell Animals in Her Store,” *North Fork Patch*, 29 Jun. 2011, <http://northfork.patch.com/groups/politics-and-elections/p/opinion-feed-bag-owner-says-she-will-not-sell-animalscbb9519ddc> (accessed 6 Dec. 2013)

<sup>32</sup> [http://www.humanesociety.org/issues/puppy\\_mills/facts/breeders\\_advisory\\_resource\\_council.html#UqI9lBXtnVQ](http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9lBXtnVQ) (accessed 6 Dec. 2013).

<sup>33</sup> [http://www.humanesociety.org/issues/puppy\\_mills/tips/finding\\_responsible\\_dog\\_breeder.html](http://www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html)

*community”. Ms. Socha urges the Connecticut legislature to “look past the baseless claims of large scale job loss...and do what is correct in the name of humanity.”*

*From Rene Karapedian, owner of Pet Rush in Los Angeles, CA: “Dogs sold in pet stores come from puppy mills. We should not support puppy mills....I switched over to what I call the “humane model”—animal adoption instead of animal sales... Most of these shelters that I go pick up dogs from, they are putting down anywhere from 50 to 70 dogs a day. So this is one way to stop that from happening.”*

*From Joe Sheneshale, owner of Pet Depot in Gillette and Rock Springs, WY: “With millions of dogs and cats being euthanized each year due to a lack of homes, I realized that this decision was the right thing to do for the animals and for our community in addressing the pet overpopulation problem.”*

In fact, initial successes have led us to create specifically designed programs to assist pet store owners seeking transition to the humane model.<sup>34</sup>

- **Taxpayer benefit**

In FY2012, Connecticut’s Animal Population Control Program spent \$733,199 to reduce the dog and cat overpopulation problem. Still, thousands of dogs and cats were euthanized in Connecticut’s municipal shelters.

The values of Connecticut citizens cannot be represented by allowing, and financially supporting, an industry intrinsically linked to unnecessary animal suffering, and seemingly unwilling to change. We support and applaud the legislature’s objective to sever the pipeline of the puppy mill trade in Connecticut’s pet shops, and propose that humane sourcing language be amended to S.B. 445 in order to accomplish this objective.

Yours truly,



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<sup>34</sup> [http://www.humanesociety.org/issues/puppy\\_mills/facts/puppy\\_friendly\\_pet\\_stores.html#UqI-ZxXTnVQ](http://www.humanesociety.org/issues/puppy_mills/facts/puppy_friendly_pet_stores.html#UqI-ZxXTnVQ)



## Why the Federal Animal Welfare Act (AWA) Standards Are Inadequate to Protect Dogs in Puppy Mills

The standards of care set forth in the Animal Welfare Act, 7 U.S.C. §§ 2131-2159, and its implementing regulations, 9 C.F.R. §§ 1.1 *et. seq.*, are insufficient to ensure animal welfare. The following provides several reasons as to why reliance on the federal licensing and inspection system to protect animals is misplaced.

### 1. AWA Standards of Care are Minimal, Vague, and Difficult to Enforce

The AWA standards of care are minimal survival, rather than optimal, standards. Facilities can be in compliance with the AWA while still keeping hundreds of dogs in small, stacked wire cages for their entire lives, without enrichment or human attention. The use of stacked, wire cages is standard in commercial breeding facilities, including USDA-licensed facilities. It is one of the most problematic features of large-scale kennels because it places dogs at significant risk for disease and injury, and yet it is entirely permissible under the AWA regulations. *See* 9 C.F.R. § 3.6. When cages with wire or slatted flooring are stacked, urine, feces and other waste flows down from higher cages onto the dogs in the lower cages. Cage stacking is also problematic because it encourages overcrowding, obstructs air and light flow, and hinders proper care and cleaning. Moreover, although the rules state that cage flooring must be “constructed in a manner that protects the dogs’ and cats feet and legs from injury,” and does “not allow the dogs’ and cats’ feet to pass through any openings in the floor,” this language has little practical effect because: (1) it fails to specify a maximum size for the cage floor openings, allowing breeders to make that determination, and (2) entrapment of feet and limbs is simply inevitable with flooring made of wire or “mesh,” the term used in the regulations. *See* 9 C.F.R. § 3.6(a)(2)(x).

Among other problems with the section addressing “primary enclosures,” in addition to its failure to prohibit wire flooring and stacking, are the space requirements. A cage need only be 6 inches taller than the enclosed dog’s height, and only 6 inches longer and wider than the dog’s length. *See* 9 C.F.R. § 3.6(c)(1)(i). Moreover, the minimum width and length requirements apply only to adult dogs and weaned puppies (*id.*); as such, a nursing mother housed with her puppies need

only “be provided with an additional amount of floor space [that is] based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined by the attending veterinarian.” *Id.* § 3.6(c)(1)(ii). This language is so discretionary and vague so as to be unenforceable in practice.

The AWA does not require that dogs be regularly let outside of their cages for exercise, nor does it mandate socialization. There is no limitation on the number of times a female dog may be bred in any given time period. Breeders need only provide bedding when the ambient temperature is below 50 degrees, and, with respect to indoor housing, bedding may be substituted with “other methods of conserving body heat,” such as “solid resting boards.” 9 C.F.R. §§ 3.2(a), 3.3(a). The regulations allow dogs to live in the cold and heat as long as the temperature does not, “for more than 4 consecutive hours when dogs...are present,” “fall below 45 degrees” or “rise above 85 degree.” *Id.* § 3.2(a). Also, there is no requirement that dogs receive regular veterinary exams. The regulations merely require the provision of “adequate veterinary care.” *Id.* § 2.40(a). Therefore, because this language is so subjective, dogs may go years, or even a lifetime, without ever being examined by a veterinarian. Indeed, as evidenced by inspection reports available on USDA’s website (*see* pp. 3-5), dogs are often left to suffer from serious, even life-threatening diseases and injuries unless and/or until an inspector orders the breeder to have them examined.

Moreover, many of the standards are discretionary and the terms vague, which allows breeders to operate according to what they determine is appropriate care. For example, the regulations frequently use subjective terms like “adequate” to describe the threshold of care, without further definition or explanation: “adequate veterinary care” (9 C.F.R. § 2.40), “adequate running potable water” (*id.* § 3.1(d)), “adequate shelter from the elements” (*id.* § 3.3(d)), “adequate protection and shelter from the cold and heat” (*id.* § 3.4(b)(1)), etc. Similarly, dogs must be provided with “the *opportunity* for exercise” (*id.* § 3.8 (emphasis added)) and housing must be “*sufficiently* heated and cooled *when necessary*” and “*sufficiently* ventilated” (*id.* §§ 3.2(a)-(b), 3.3(a)-(b) (emphasis added)). These vague and subjective standards make it extremely difficult for the agency to engage in meaningful enforcement.

## 2. USDA’s Enforcement System is Anemic; Noncompliant Breeders Remain in Business

In many cases, the already weak standards are rendered almost meaningless as result of the infrequency of inspections and the agency’s routine failure to take enforcement action against noncompliant breeders. A 2010 report issued by the USDA Office of the Inspector General, available at <http://www.usda.gov/oig/webdocs/33002-4-SF.pdf>, is instructive. The report found, among other things, that the agency’s “enforcement process was ineffective in achieving dealer compliance with AWA and regulations, which are intended to ensure the humane care and treatment of animals.” *Id.*, p. 8. It further describes cases of extreme suffering found at noncompliant facilities, including a dog with a serious bite wound that, after having been left untreated for a week, “resulted in the flesh around the wound rotting away to the bone” (*id.*, p. 11); dogs who were

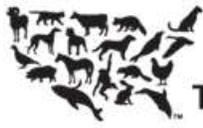
catatonic and infested with fleas (*id.*, p. 12), and; dead and “starving dogs [who] had resorted to cannibalism” (*id.*, p. 13).

Examination of USDA inspection reports of inspections conducted in the past several years, which are available on the agency’s website at <https://acissearch.aphis.usda.gov/LPASearch/faces/LPASearch.jspx>, reveal that enforcement remains inadequate and noncompliant breeders are often permitted to operate with impunity. Indeed, The Humane Society of the United States’ recently published “A Horrible Hundred” report, available at [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/100-puppy-mills-report.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/100-puppy-mills-report.pdf), describes dozens of USDA-licensed facilities that continue to receive licenses year after year despite a history of egregious animal welfare violations:

- Barbara Gullett/Gullett Kennel – Russellville, AR...*At its most recent inspection in September 2012, the kennel was cited for two bulldogs in need of veterinary care, including one who had “green drainage” coming from the eye and another whose eye was “red with drainage,” and puppies were found in stacked, wire cages with excessive feces...On October 5, 2010, a USDA inspector required Gullett to obtain medical care for several sick puppies who were coughing and had “serious nasal discharge” as well as three adult bulldogs with eye problems. The inspector also attempted to check on a sick bulldog who had been documented during the previous inspection and was told that the dog had died. When asked for an explanation, Gullett admitted that the bulldog had died after her husband “tied the animal onto the bed of a flatbed pickup truck then returned to the kennel.” Left unattended, the bulldog had fallen off the truck bed and hung herself, according to the inspector’s report. USDA #71-A-0748. [p. 3]*
- Sarah Young/Cedar Springs Kennel – Hardy, AR...*Multiple serious violations have been documented by USDA inspectors at Cedar Springs Kennel as recently as February 2013, when a USDA inspector found two Cocker Spaniels with very visible eye problems who had not been treated by a vet; the breeder admitted that one of them had had the problem for “approximately 9 months.” The inspector also documented a repeat violation during the same inspection for approximately 131 dogs left out in the cold without adequate protection from the elements...During a November 2011 inspection, a USDA inspector noted: “In one enclosure the dealer had housed two females which were due to whelp. During the inspection the adults were found together with three dead puppies in various stages of dismemberment.”...On May 7, 2008, when a USDA inspector inquired about one of the sick dogs who had been identified previously, he was told that “the dog died within a few hours of that last inspection and no consultation with a veterinarian had taken place.” USDA # 71-A-0676. [p. 4]*

- Elmer Lapp/ Pine Hill Kennel – Hagerstown, IN...*Pine Hill Kennel has accumulated some gruesome USDA violations in recent years, including repeated violations for improperly docking (cutting off) puppies' tails. At its most recent inspection in February 2013, an inspector found puppies with recently docked tails which had been glued together at the base with expired surgical adhesive, a limping Boston Terrier, a matted shih tzu with dental disease, and more repeat violations for issues such as insects and feces in the dogs' food, filthy conditions, and "rodent feces throughout the facility."* Prior violations cited by USDA inspectors at Pine Hill Kennel have included: bloody puppies with recently docked tails found lying on a bloody floor (April 2010); repeat violations in May 2012 for several dogs in need of veterinary care, including a limping shiba inu with an injured leg who had blood all over the floor of her enclosure; sale of underage puppies; beetles and worms found in the dogs' food; conditions in some of the kennels that were so filthy that some of the dogs had no clean area to lie down on; having an unlicensed person cropping puppies' ears instead of a licensed veterinarian, and many other problems. USDA #32-A-0363. [p. 7]
- Barbara Crick / Cricks Kennels – Burwell, NE...*The kennel has been cited for repeated problems with unsafe and shoddy housing and piles of feces, as well as dogs kept in extremely hot enclosures (over 91 degrees F) in August without adequate protection, and dogs kept in below-freezing temperatures in the winter (26 degrees F). In 2012, the operator was repeatedly cited for filthy and unsafe conditions. In 2008, a USDA inspector found a horrific sight: "a dead female golden retriever that had been tied to a post behind the east kennel and shot in the head with a .22 caliber gun"...* USDA #47-A-0426. [p. 26]

These are but a few examples of the numerous noncompliant breeders the USDA continues to re-license.



THE HUMANE SOCIETY  
OF THE UNITED STATES

# Majority of National Breed Clubs Advise Not Selling to Pet Stores

## Summary:

In January 2013, The HSUS researched 263 national or “parent” dog breeding clubs in order to understand responsible breeders’ codes of ethics. The vast majority of these national breed clubs’ codes of ethics specifically recommend that members in good standing not sell puppies to pet stores, and/or sell only to buyers they have met in person.

Of the parent breed clubs that represent the 178 AKC-recognized breeds, **96%** (170/178) had ethics statements that prohibited sales to pet shops.

Below are quotes from the national breed clubs which represent the top ten most popular dog breeds, according to the AKC’s 2012 registry statistics (Source: www.akc.org).

## Quotes from the Top Ten National Breed Clubs\* :

1. **Labrador Retriever Club, Inc.:** Recommends that “The breeder shall screen all buyers for their ability and intent to properly care for a dog” – implies that good breeders will meet their individual puppy buyers personally.
2. **German Shepherd Dog Club of America:** Code of Ethics states that breeders shall “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. Do not sell, supply, donate or surrender any dog for which they are responsible to a pet shop, catalogue house, wholesale dealer in dogs, Humane Society or to a laboratory.”
3. **Golden Retriever Club of America:** Code of Ethics states: “Members who breed should sell puppies, permit stud service, and/or lease any stud dogs or brood bitches only to individuals who give satisfactory evidence that they will give proper care and attention to the animals concerned [...] Members should not sell dogs at auction, or to brokers or commercial dealers.”
4. **National Beagle Club:** On Membership Application: “I refuse to raffle dogs or to sell individuals or litter lots to pet wholesalers, laboratories, pet shops, or any buyer who, I have reason to believe, will not provide proper care for the puppy/dog.”
5. **Bulldog Club of America:** Members must pledge: “I will not to my knowledge sell a Bulldog to any commercial facility, puppy broker, pet shop or agent thereof.”
6. **Yorkshire Terrier Club of America, Inc.:** “Puppies will not be sold or consigned to pet stores, agents, or other commercial enterprises nor sold to disreputable breeders...”
7. **American Boxer Club, Inc:** Code of Ethics states that “the following infractions are considered to be actions contrary to the best interest of the breed and/or the American Boxer Club: Selling, consigning or disposing of a puppy or an adult Boxer to a pet shop, chain of pet shops or any commercial kennel for resale.”

8. **Poodle Club of America, Inc:** Code of Ethics states that “Buyers will be carefully screened” and “The Breeder is responsible for any and all poodles that he/she has bred for the life of each poodle”, and stipulates that a responsible breeder shall take back a puppy if the buyer ever becomes unable to care for it. [Implies that good breeders meet their buyers in person.]
9. **American Rottweiler Club:** Code of Ethics does not mention retail pet stores but states that members shall sell only to well-screened buyers: “Sell only to responsible persons and not knowingly sell to anyone or any entity who engages in any activity which might exploit the breed.” Also, “Breeders recognize that they have a LIFETIME responsibility for puppies produced...”. [implies that good breeders will meet their individual puppy buyers personally.]
10. **Dachshund Club of America, Inc:** Code of Ethics states that members shall “never supply a Dachshund to pet shops, commercial brokers or dealers, raffles or similar projects.”

### Quotes from National Breed Clubs whose Breeds are Commonly Found in Puppy Mills:

- **American Maltese Association, Inc:** “I will not knowingly deal with dog wholesalers, commercial retailers [pet stores], brokers or unethical dog breeders...”
- **American Pomeranian Club, Inc:** “I will not sell my puppies to pet shops or commercial pet mill establishments, nor will I donate puppies for raffles or auctions.”
- **American Shih Tzu Club, Inc:** “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:** 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.”
- **Chihuahua Club of America, Inc.:** “I pledge to be responsible for all Chihuahuas that I have produced for their entire life-time by: never buying, selling or trading my/our Chihuahuas to research laboratories, pet stores, or to auctions nor placing them in rescue groups.”
- **Pug Dog Club of America:** “No member shall EVER sell or donate dogs for auctions or raffles, or to pet shops, catalog houses, brokers or for resale purposes.”
- **Siberian Husky Club of America, Inc.:** “I will refuse to deal with dog wholesalers or to sell puppies or dogs to pet shops, and 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.”