

**Testimony in Support of HB 5010 and HB 5027: Special Act 13-19**

**Presented to the Environment Committee**

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**CT HB 5010:** "Be it enacted by the Senate and House of Representatives in General Assembly convened that chapter 435 of the general statutes be amended to prohibit the sale of dogs under the age of one year by pet shops." The purpose of the bill is "to prohibit 'puppy mills' and prevent the sale of diseased animals by pet shops."

**Substitute HB 5027: Special Act No. 13-19 AN ACT ESTABLISHING A TASK FORCE CONCERNING THE SALE OF CATS AND DOGS AT PET SHOPS.**

**Introduction**

My name Alyssa Israel and I am a public health professional and a lifetime resident of Fairfield. In the mid 1990s, Senator Fred Lovegrove introduced a similar pet store bill, which I supported. My interest in this bill was re-ignited when a pet shop in Fairfield became the subject of months worth of local news articles. The store was cited by the Connecticut Department of Agriculture for scores of violations of pet shop regulations going back ten years. In addition, the Department of Agriculture received over 50 citizen complaints of dead, sick, injured and neglected animals in the store. The Department of Agriculture revoked the store's license to sell animals in 2002 (and also in 1996 and 1998), but to my dismay this pet store continues to sell puppies. I visited the store on February 22, 2005 and there were 8 puppies lined up in cages along the floor. Prices ranged from \$799 to \$1,699.

While the abuse and neglect at this particular pet store were very unsettling, I knew that the store's puppy suppliers represent a much bigger problem. With the support of two friends who were also concerned about this issue, I conducted some additional research on puppy mills and pet stores in Connecticut. I went to the Department of Agriculture, consulted with Animal Advocacy Connecticut (AACT), HSUS and the ASPCA, searched the internet and went to the library. What I learned made me even more outraged by the animal abuse and neglect occurring at puppy mills and even more eager to pass comprehensive legislation to stop puppy mills and their distribution channels.

In 2004, I asked Senator John McKinney if he would introduce legislation to ban the sale of cats and dogs in pet stores. I was surprised to hear in January 2005 that a Hartford resident asked Representative Ruth Fahrback to introduce this same pet store legislation. Isn't it remarkable that two unacquainted Connecticut residents, from different parts of the state, asked their respective legislators to introduce the same legislation? Obviously, there is a serious problem occurring at puppy mills and pet stores that this Committee must address.

## **Recommendation to make a revision to the wording of HB 5010**

Let me start by recommending that HB 5010 prohibit the sale of dogs and cats (of any age) by pet stores. I fear that the clause "prohibit the sale of dogs under the age of one year" might create a loophole for puppy mill operators and pet stores. I think cats should also be protected by this legislation.

I would also like to make sure that this bill will not prevent pet stores from collaborating with local pounds and/or 501(c)3 rescue organizations to promote the adoption of "throw away" dogs and cats. For example, Choice Pet, which has 7 stores in Fairfield County, offers pet adoption days in collaboration with the North Shore Animal League, PAWS and other animal rescue groups. During these one-day events, 20 or more "rescue" dogs are adopted, says Choice Pet owner, Neil Devivo. "Many times people are waiting in lines to adopt," he says (Personal communication, February 24, 2005). PETSMART, which has 4 stores in Connecticut, donates space in their store to house and promote adoptions of dogs and cats from the Connecticut Humane Society. The Choice Pet and PETSMART models benefit all parties—the store, the rescue agency, the animal, and the consumer. Ideally, the passage of HB 5010 should encourage more pet shops to adopt this charitable model.

## **Research Supporting HB 5010**

- 1. Why should the Environment Committee endorse HB 5010?** Because most puppies in Connecticut pet stores come from out-of-state puppy mills located in Kansas, Missouri, Nebraska, Iowa, West Virginia, Mississippi, and Michigan. I have copies of the Certificates of Veterinary Inspection to prove this. First and foremost, these puppy mills are egregiously inhumane and unethical operations and they must be stopped. Is there anyone on the Environment Committee who believes that it is ethical to keep approximately 1-2 million breeding dogs in small wire cages for their entire lives, forced to have 2 litters of puppies each year for 7-8 years, and then euthanized when they can no longer produce? For ethical reasons alone, HB 5010 should be endorsed by the Environment Committee.
- 2. I estimate that approximately 32 (or 27%) pet stores in Connecticut sell dogs out of approximately 120 pet stores.** HSUS estimates that 31% of pet stores in the U.S. sell cats and dogs, a very similar statistic to the 27% figure determined by our research (Get the Facts on Puppy Mills, [www.hsus.org/ace/11797](http://www.hsus.org/ace/11797)). I got this statistic by collaborating with a friend. My friend obtained the 2003 list of Licensed Pet Shops from the Connecticut Department of Agriculture. In January and February 2004, she called each pet shop and asked one question, "Do you sell dogs?" I then went to the Connecticut Department of Agriculture at the end February 2004 and sorted through at least 1000 Certificates of Veterinary Inspection. I could see from these Certificates which stores sold dogs and where the dogs were coming from. I made 20 copies of these Certificates of Veterinary Inspection which I have in my possession.
- 3. I estimate that approximately 8,000 dogs are sold by Connecticut pet shops each year, but it could be more than this.** I multiplied 32 stores by 254 which was the average number of dogs sold by individual California pet shops per a 1988 study by the California Assembly Office of Research. However, the Connecticut Pet Training and Education Society stated in a 1994 article in the Fairfield Citizen News that 12,000 dogs were sold annually by Connecticut pet shops.
- 4. I estimate that about 70% of Connecticut pet stores acquire their dogs from out-of-state dealers and breeders, based on data obtained on California pet shops in 1988 by the**

**California Assembly Office of Research.** The Humane Society of the United States estimates that 80%-90% of the nation's pet shop dogs come from commercial dog breeders. Puppies are shipped to Connecticut from Kansas, Missouri, Nebraska, Iowa, West Virginia, Mississippi, and Michigan (from 20 copies I made of Certificates of Veterinary Inspection which listed breeders from these states).

5. **Approximately 50% to 80% of the nation's 5,000 commercial dog breeding operations are substandard.** Substandard or not, all of these breeding operations are inhumane (Bob Baker, HSUS's former Chief Investigator who visited 700 breeding facilities from 1980-1996 and Curt Ransom, HSUS's current Regional Coordinator who visited approximately 40 breeding facilities from 1998-2003). According to the Curt Ransom, the average commercial breeding facility has 150-250 breeding dogs. Some breeding facilities have as many as 2500 breeding dogs. Females are forced to have 2-3 litters per year. Puppies are shipped out weekly (at the age of 7-8 weeks) in 18 wheeler trucks which hold several hundred puppies. It is largely a cash business (personal communication, Curt Ransom, February 22, 2005). Abuses at substandard commercial breeding operations include overbreeding, inbreeding, little to no veterinary care, lack of quality food, clean water, and shelter; lack of socialization with humans; overcrowding; and the killing of unwanted animals (Humane Society of the United States, Fact Sheet on Puppy Mills). William Ecenbarger, a journalist for Reader's Digest, visited 53 commercial breeding operations in Pennsylvania in 1999. He describes how bad things can get. "When I saw the conditions in which these puppies were being raised, I was stunned. The animals lived in small wire cages stacked 4 to 5 high. Some puppies had open sores or hairless spots from lying on the metal wire. Urine and feces from upper cages dropped into the ones below. Food was tossed in among the waste. Some dogs had no water. They all seemed malnourished." (Ecenbarger, W. February, 1999. Scandal of America's puppy mills: Appalling conditions are yielding unhealthy and hostile pets). Even if the "good" commercial breeding facilities are clean and in compliance with state and federal regulations, dogs are forced to live in the in small wire cages with no solid floor for 24 hours a day, 7 days a week. They have no socialization with other dogs or humans. (Humane Society of the United States, Fact Sheet on Puppy Mills and personal communication with Stephanie Shain, Director of Outreach, HSUS, on February 14<sup>th</sup>, 2005).
6. **"Pet shop puppies are stressed by weaning, shipping, and handling and then congregated in the broker's facility during shipping, and in the pet store, enhancing both the risk of exposure and infection.** Stress is an unavoidable part of the pet shop environment. Simply shipping the animal into the store creates an enormous amount of stress for these young animals. At the tender age of 8 weeks, they are shipped from the breeder to the broker where they are separated from their litter mates, vaccinated, de-wormed and intermingled with other puppies in various states of health. These other puppies expose them to all sorts of infectious diseases. Within a few days, the pups are sorted into new groups and shipped long distances to other brokers or to pet shops. Is it any wonder that these pups are susceptible to illness? Many break out with gastrointestinal problems, especially diarrhea. Many also succumb to respiratory problems ranging from a slight cough to full scale pneumonia (Lynn, RC, DVM, MS. High anxiety: Understanding how puppies react to stress factors in the pet shop. Pet Age, November, 1990).
7. **These 32 pet stores may argue that their dogs are healthy. This is not completely true. While some of their dogs are healthy, a variety of scientific studies (one of them conducted by the Connecticut Department of Agriculture in 1987) have shown that approximately 30% - 52% of pet shop dogs are sick at the time of purchase. This is unacceptable, especially when unwitting consumers are paying such a hefty price for these animals. The most common forms**

of ailments among puppies purchased at pet shops were upper respiratory diseases, gastrointestinal parasitism, and parvovirus according to the Connecticut Department of Agriculture study. I have not seen any study stating that pet store animals are healthier than other sources of animals. A 1994 study in the Journal of the American Veterinary Medicine Association found that dogs had varying types of diseases across all sources (pet shops, pounds, breeders, private owners); however the incidence of disease did not differ significantly.

- Scarlett, JM et al. (1994). Journal of the American Veterinary Medicine Association. Source of Acquisition as a risk factor for disease and death in pups. 204:12. 1906-1913.
- California Assembly Office of Research. (1988). A closer look at the doggie in the window. A survey of pet stores and veterinarians in California.
- Connecticut Department of Agriculture. (1987). Sick puppy/kitten survey.
- Stehr-Green, JK et al. (1987). Intestinal parasites in pet store puppies in Atlanta. American Journal of Public Health. March;77(3): 345-6

8. **Dealers sell dogs for \$100 - \$500 to pet shops. Pet shops then mark up the dogs by 250%** (Personal communication, Curt Ransom, HSUS Regional Coordinator, February 22, 2005). As I mentioned earlier, I visited my local pet shop on February 22, 2005. There were 8 dogs in the store ranging in price from \$799 for a pug to \$1,699 for a miniature chihuahua. This is a high price to pay for a potentially sick animal.
9. **Connecticut recognizes that consumers are at risk of purchasing sick dogs from pet shops.** That's why Connecticut passed what is known as a "puppy lemon law." "Connecticut's law stipulates that if a dog or cat becomes ill or dies of an illness that existed at the time of the sale, the pet store must either replace the animal, or refund in full the purchase price. Additionally, the presentation of a veterinarian's certificate, stating that the dog or cat was ill at the time of the purchase, shall be sufficient proof to claim reimbursement of expenses. Pet shops must post a sign on the cage of dogs offered for sale with all historical information associated with the dog, and the phone number for the Department of Agriculture to register complaints" (HSUS website, February 2005, [www.stoppuppymills.com](http://www.stoppuppymills.com)). As I mentioned earlier, I visited my local pet shop on February 22, 2005. I observed some information (date of birth, type of dog, city and state of origin) posted about the dogs on their cages; however, I did not see the phone number for the Department of Agriculture to register complaints.
10. **The existing animal and consumer protection laws do not solve the problems of:** 1) substandard care and animal cruelty at commercial dog breeding operations; 2) causing further stress by the mass transportation of puppies to middle men and then to pet shops; and 3) the selling of sick dogs to unwitting consumers 30% – 50% of the time at a premium price.
11. **Pet stores may argue that pet shops are highly regulated by the Connecticut Department of Agriculture and that commercial breeding operations are under strict standards and enforcement of the USDA. It is my educated opinion that enforcement by the Connecticut Department of Agriculture, the USDA, and the Agriculture Departments in puppy mill states is too lenient and often lax (due to overburdened staff and other reasons), and therefore cannot prevent animal cruelty and disease problems at the breeding facilities or in the pet stores.** One of the reasons why I asked Senator McKinney to introduce this legislation is because I felt that the Connecticut Department of Agriculture did not stringently enforce Connecticut Pet Store Regulations. It is my belief that my local pet shop's license to sell animals should have been revoked after so many repeated violations over so many years. However, as the store began to pass

inspections, the Department gave the store the "O.K." to continue selling dogs. Enforcement of commercial breeding facilities in other states is just as lax. A 1999 article by Staff Reporter Robert Johnson of the Wall Street Journal states that the Agriculture Department (USDA) has a "mere 72 inspectors to keep tabs on the thousands of breeders, and their duties also include about 4,800 other animal-related businesses, from circuses and zoos to airline pet-shipment operations. The states, too, have been largely ineffective in cutting down on breeder abuses because of the same budgetary and manpower factors that constrain the federal inspection effort." The Missouri State Auditor conducted an Audit of Animal Care Facilities (February 15, 2001) and a Follow-Up Review (December 16<sup>th</sup>, 2004). Missouri has the highest percentage of licensed commercial dog breeders in the nation. In 2001, the State Auditor wrote: "Division of Animal Health inspectors did not properly inspect animal care facilities and canines were left at risk. Program personnel chose to encourage breeders to comply with regulations rather than sanction them." In 2004, the State "Auditors found the majority of findings noted in the first audit of the animal care inspection program were still occurring, four years later."

12. **Pet stores may argue that if this bill passes, they will go out of business. While I am not an expert on pet store economics, it is my educated opinion that most of the 32 pet shops in Connecticut that sell dogs and cats will not go out of business as a result of the proposed law.** If a pet store sells only dogs, as I used to see in the Trumbull Mall, then yes, this bill will obviously put them out of business. However, for a diversified pet shop, this bill should not put them out of business. As I mentioned earlier, approximately 73% of pet stores do not sell dogs and they are evidently profitable. PETsMART is a good example. With over 700 stores, PETsMART is the largest chain pet retailer in the United States and Canada. PETsMART does not sell dogs. In fact, PETsMART offers space to local animal rescue groups. Choice Pet has 7 stores in Fairfield County and none sell dogs or cats. Instead, the stores offer very popular pet adoption days in collaboration with animal rescue organizations. These "charitable" models boost business because it makes low-cost adoptions of homeless animals accessible to the consumer, and it attracts lots of potential pet owners to the store (not just those who can afford \$700 - \$1,700 dogs). These customers then buy all their food, toys, grooming items and accessories from their stores.
13. **Pet stores may argue that if this bill passes, the consumer would turn to the internet, newspaper ads, the puppy mill itself or backyard breeders to purchase purebred animals.** According to Stephanie Shain, Director of Outreach at HSUS, this is already occurring. It would be difficult to assess whether the passage of HB 5010 would proliferate the direct retail trade of purebred dogs via the internet, newspaper ads, puppy mills and backyard breeders. Rather than not pass HB 5010, the Environment Committee should consider additional legislation to address the problem of retail sales of pets via other channels such as the internet and newspaper ads. In order to prevent puppy mills and backyard breeders from replacing pet stores, it is my recommendation that this Committee outlaw breeding in excess of 10-15 dogs or cats per year by any one household in Connecticut. Addressing internet and newspaper ad sales of cats and dogs may be more difficult. I suggest public education campaigns warning consumers to use extreme caution when purchasing dogs and cats from the internet or a newspaper ad (this was done in California to warn consumers about pet store puppies). Consumers interested in buying a purebred puppy are urged to: 1) Visit and inspect the breeder to insure the puppy was raised in humane surroundings. 2) Examine either of the puppy's parents to determine future temperament and physical traits. 3) Ask breeders for references and consult local breed clubs and veterinarians.

Based on all of this very strong evidence, I urge the Environment Committee to endorse HB 5010. Thank you very much for your consideration of my research, comments, and recommendations.

## **Life Gallery Pet Shop, Fairfield, CT:**

### **Scores of Violations of Pet Store Regulations:**

- The Fairfield Minuteman reported that the Life Gallery Pet Shop on the Post Road in Fairfield is named in more than 50 complaints, resulting in hundreds of violations, starting as far back as 1992. (*Fairfield Minuteman*, 10/3/02)
- Officer Nancy Jarvis, an inspector with the Department of Agriculture, described a ferret and rabbit cage without water, an American Eskimo puppy in a cage too small for his size, a sphinx cat observed to have both eye and nasal discharge, overcrowded rabbit and rat cages with urine soaked wood shavings, house flies and small flies, feces in an empty food dish, dark lighting conditions, and extreme ammonia odor. (June 3, 2002, Department of Agriculture Investigation Report)
- Officer Jarvis reported that the “the ventilation downstairs is extremely inadequate to circulate air and control odors. This has been a repeated violation with no compliance.” (June 24, 2002, Department of Agriculture Investigation Report).
- Complaints filed at the Department of Agriculture accuse this pet shop of collecting feral cats and reselling them; and buying puppies and kittens off the street from an unlicensed Bridgeport man and reselling them.

### **Customers complain of dead, sick and injured animals:**

- “When I looked at [the bull terrier puppy], I told them I didn’t think it was breathing,” said Amanda Giordano of Bridgeport. Giordano says the [Life Gallery] attendants told her the dog was just asleep. But when she reached in to touch its paw, it was cold, stiff and dead. “It was so sad, I was so upset, I just had to get out of there.” (*Fairfield Minuteman*, 10/3/02)
- Rev. Mary Ann Osborn said that “The smell and cleanliness of the place was terrible. There was a dog in a cage too small to allow it to turn around next to an overcrowded cage with three Dachshund puppies.” Rev. Osborn saw a sick cat with both eye and nasal discharge. “The poor thing was so dirty.” (*Fairfield Minuteman*, 10/3/02)
- Jenny Noack, protest organizer, spoke with a Fairfield resident who bought a puppy at Life Gallery. The woman told Jenny that the dog was placed in an oversized cage with wooden floor slats spaced so far apart that the puppy had fallen between the slats repeatedly and had broken both front legs. The woman paid over \$400 in vet bills to splint the dog’s legs. The store owner refused to accept responsibility for the dog’s condition (Jenny Noack’s personal notes of conversations with Life Gallery customers, November, 2002).

### **Problems with Animal Overcrowding:**

- Dr. A.A. Wasfi, the store’s vet, said “I’ve told [the store owner] numerous times to reduce the numbers of animals in the store. He can’t handle the volume and the ventilation system isn’t working properly.” (*Fairfield Minuteman*, 10/10/02)
- There are over 200 animals and 12,000 fish in Life Gallery (personal communication, Nancy Jarvis, State Animal Control Officer).

### **Lax Enforcement**

- Life Gallery’s owner “filed a new application for a 2003 license that was processed while his appeal was ongoing. A new application cannot be approved when the applicant is the subject of an ongoing appeal,” said Commissioner Gresczyk. (*Fairfield Minuteman*, 5/8/03)
- Life Gallery’s owner has appealed every Department of Agriculture Decision: the \$5,000 fine (which was later reduced to \$2,500), the decision to not renew his pet shop license for 2003, and the decision to revoke his 2003 license that was issued in error by the Department.
- The Department of Agriculture revoked or threatened to revoke Life Gallery’s license to sell animals in 1996, 1998 and 2002. Because the pet store began passing his inspections in 2003, Commissioner Gresczyk granted the pet shop the right to continue selling dogs and cats.