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December 6, 2013

Honorable Task Force Members:

I am pleased to offer the following comments on behalf of The Humane Society of the United States (HSUS).

In June, the Connecticut General Assembly approved Special Act No. 13-19, establishing "A task force to study the proliferation of dogs and cats sourced from inhumane origins and sold in Connecticut pet shops," stating that "Such study shall include, but not be limited to, an examination of how to amend the general statutes to provide for the reduction of such proliferation."¹

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 support language seen in LCO 8101 from the 2013 legislative session.

• **Connecticut pet stores sell puppies from inhumane sources**

While we were unable to obtain Certificates of Origin for all dogs shipped to Connecticut pet shops in time for this testimony, we were able to gain access to sufficient documents, including Certificates of Origin and USDA inspection reports and photographs, to demonstrate that, despite false attestations to the contrary, many of the puppies sold by Connecticut pet shops are acquired from inhumane sources.² Many, in fact, are acquired from some of the most notorious puppy mills in the nation,³ 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.⁴

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

Proponents of pet store puppy sales have suggested that a 1994 study⁵ 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

¹ "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.

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

³ 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.

⁴ 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 (accessed 5 Dec. 2013).

⁵ Scarlett, Janet M., DVM, PhD; John E. Saida, 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.

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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”⁶ 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 touched⁷.

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,”⁸ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a 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 17⁹, 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.

⁶ Animal Welfare Institute, “Little Shop of Sorrows: An Undercover Investigation Into California Pet Shops,” http://www.bornfreeusa.org/downloads/pdf/PetShops_Report.pdf, (accessed 5 Dec. 2013).

⁷ 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.

⁸ 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.

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

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**

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 Sheet¹⁰ 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,"¹¹ and that dogs not be bred more than 5 times in a lifetime.¹² ¹³Similarly, the American Kennel Club says "One month 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 species¹⁴ 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 jumping¹⁵. 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 flesh¹⁶ -- dogs' limbs may slip through wire mesh flooring, causing severe lacerations or even unintentional amputation of the limb.¹⁷ 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."¹⁸ 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."¹⁹ Yet even though USDA inspection reports routinely document injuries caused by wire mesh flooring, the

¹⁰ 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).

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

¹² Olson, Patricia N., DVM, PhD, DACT, "Breeding Protocol Review and Recommendations," email from author, July 2012.

¹³ American Kennel Club, "A Guide to Breeding Your Dog," http://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf (accessed 5 Dec, 2013).

¹⁴ 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, Carls 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.

¹⁵ 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.

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

¹⁷ 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.

¹⁸ American Veterinary Medical Association, "Model Bill and Regulations to Assure Appropriate Care for Dogs Intended as Pets," April 9, 2010.

¹⁹ 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)

agency in 1999 actually removed a regulatory requirement that breeders provide a solid resting platform for dogs housed on wire,²⁰ 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.^{21,22,23,24,25,26}

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 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

It has been suggested by one Task Force member that only 2 percent of USDA licensed breeders have direct violations on their inspection reports. However, because of the unreliability of the inspection reports, this number 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 violations²⁷.

- The USDA’s Inspector General issued a report in 2010²⁸ 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 2006²⁹ 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

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

²¹ 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.

²² 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.

²³ 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.

²⁴ 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.

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

²⁶ 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.

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

²⁸ United States Department of Agriculture, Office of Inspector General, *ibid*.

²⁹ 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).

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.*"³⁰(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 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."*³¹

- **Reputable breeders do not sell to pet shops**

The Task Force has heard substantial evidence that reputable breeders do not sell their puppies to pet stores. 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. A copy of our data is available upon request.

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

At least one Task Force member has suggested that it may be difficult for families to acquire pets if pet shops are obligated to acquire puppies solely from humane sources. We would contend that the mandate of this Task Force – to study and provide for the reduction of the proliferation of dogs and cats sourced from inhumane origins and sold in Connecticut pet shops – would outweigh that hypothetical, and invalid, concern. To underscore 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.

It has also been suggested 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." Yet while Connecticut legislators are unable to impose humane care standards on out-of-state breeders, they could certainly take action to ensure that Connecticut breeders maintain healthy and humane conditions. And while pet stores do not currently hold sufficient market share to constitute a vacuum should they cease selling dogs entirely, we have not heard a single proponent of humane sourcing call for that course of action.

³⁰ 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.

³¹ 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)

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

One Task Force member has stated publicly that “The activists generally believe that dog breeding should not be allowed, and ownership of purebred dogs should be discouraged among the public.”³²

To the contrary, 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)³³, 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.³⁴

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

In the same blog, the author stated “It is not clear to me that the same future pet owners, the customers who seek young puppies of a defined breed from a pet store, would necessarily be willing to accept an older dog of no particular breed.”³⁵ While we cannot speak to every potential situation, we have worked directly with pet shops that have stopped selling dogs from inhumane sources and have found customers more than willing to purchase older rescued dogs.

Similarly, 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 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.³⁶

- **Task Force Remit**

The motivations of the humane community have been stated by one Task Force member, in the same blog, as “the thinking is that by banning retail puppy sales here, we can economically damage the poorly

³² Goldman, Arnold DVM, “Blog: Pet Store Task Force Now Underway,” *Canton Patch*, 23 Oct. 2013, <http://canton-patch.com/groups/connecticut-veterinarian/p/pet-store-task-force-now-underway> (accessed 6 Dec. 2013).

³³ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#.UqI9lBXtnVQ (accessed 6 Dec. 2013).

³⁴ http://www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html

³⁵ Goldman, Arnold DVM, *ibid.*

³⁶ http://www.humanesociety.org/issues/puppy_mills/facts/puppy_friendly_pet_stores.html#.UqI-ZxXTnVQ

managed breeding operations elsewhere and they will eventually be eliminated.”³⁷ Again, this is a misconception. The advocates who have supported the proposal to require humane sourcing have never, to our knowledge, claimed that requiring Connecticut pet shops to acquire dogs solely from humane sources would cripple the puppy mill industry. Instead, they have argued eloquently that the morals and values of Connecticut cannot be represented by allowing, and financially supporting, an industry so intrinsically linked to unnecessary animal suffering and so seemingly unwilling to change. They have argued that Connecticut consumers may be duped into unwittingly supporting the cruel puppy mill industry, and have brought forth evidence that the puppies acquired from that industry come with a unique set of problems of which consumers may not be aware. They have questioned the logic of importing puppies from Midwest puppy mills while dogs are still being euthanized, typically at taxpayer expense. They have been loyal to the remit of the Task Force, which, once more, is to make recommendations regarding ways to amend the general statutes to reduce the proliferation of dogs sourced from inhumane origins and sold in Connecticut pet stores.

We thank all Task Force members for their sincerity and diligence in pursuing the important and admirable target established by Special Act 13-19, and remain willing and eager to assist in that pursuit going forward.

Sincerely,

Dale Bartlett

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The Humane Society of the United States is rated a 4-star charity (the highest possible) by Charity Navigator, approved by the Better Business Bureau for all 20 standards for charity accountability, voted by Guidestar's Philanthropedia experts as the #1 high-impact animal protection group, and named by Worth Magazine as one of the 10 most fiscally responsible charities.



³⁷ Goldman, Arnold DVM, *ibid.*