



STATEMENT OF THE PET INDUSTRY JOINT ADVISORY COUNCIL  
BEFORE THE CONNECTICUT TASK FORCE "CONCERNING  
THE SALE OF CATS AND DOGS AT PET SHOPS"

**Introduction**

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the Task Force our views regarding the consideration of any proposal prohibiting the retail sale of dogs and cats in pet shops. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members: national associations, organizations, corporations and individuals involved in commercial pet businesses. More specifically, PIJAC represents the interests of pet stores, distributors, pet supply manufacturers, breeders, retailers and their customers--pet owners--throughout the state of Connecticut and across the United States.

First, no one cares more about healthy and safe pets than do PIJAC and our members. We have for many years provided a well-respected animal care certification program that is widely utilized by commercial pet businesses. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate for legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest, responsible pet ownership and the welfare of pets. PIJAC works closely with USDA to ensure effective enforcement of the federal Animal Welfare Act, and has since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare interests.

Even as we have worked to raise standards of care, PIJAC has battled misconceptions about the quality of pet store animals and the source of such animals. The unsubstantiated assertion that pet store puppies generally come from substandard breeding facilities is commonly used as a smoke screen to obscure the fact that the overwhelming majority of pet owners who choose pet stores bring home a happy, healthy pet and that they remain highly satisfied with their pet store experience.

The reality is that almost all pet store puppies originate from USDA licensed breeders who are regularly inspected and found to comply with appropriate care standards. By contrast, many of the dogs and cats from other sources, including back yard operators, Craigslist sales and swap meets do not come from licensed breeders.

What purpose does a retail pet store sales ban serve or any measure that prohibits the sale of animals that are bred by licensed USDA out-of-state breeders in good standing? It doesn't protect consumers, who already enjoy far more protection in the law for the animals they get from pet stores than from any other source. They would merely be deprived of looking to a pet store as one of several alternatives for acquiring a pet, and in the process lose statutory protections that they currently enjoy. It doesn't protect the animals themselves. As already noted, pet store puppies are as healthy as any others and typically receive more frequent veterinary care than puppies from other sources as mandated by Connecticut law. As well-intentioned as some of the advocates for a pet store sales ban may be, their approach is unsupported by all available facts.

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Further, a retail pet sales ban indiscriminately targets responsible pet stores, while exempting others who need not even comply with the strict standards under which pet stores already operate. Thus, in considering a statewide retail pet sale ban or any measure that essentially limits the legitimate sale of pets from highly regulated pet stores, the Legislature risks enacting a law that will not only fail to stop the few bad actors who operate substandard breeding operations in other states, but will actually exacerbate the very problem a retail sales prohibition seeks to address here in Connecticut. Banning the sale of dogs and cats by pet stores that are subject to strict regulation and sourcing transparency will only drive prospective pet owners to unscrupulous sellers of pets who are not licensed and are unconcerned about compliance with animal care standards.

Animals from out-of-state breeders delivered to pet stores in Connecticut are extensively regulated:

- In the state of their birth
- In the state of their distributor or transporter
- By the federal government
- By Connecticut when the animals enter the state
- And animal cruelty is a criminal offense everywhere

Some make the claim that prohibiting the sale of commercially bred dogs and cats in pet stores will lead to more adoptions of shelter animals. However, no independently developed data supports this claim. PIJAC recognizes that animal control facilities and non-profits are often excellent sources for pets for some prospective pet owners, though not for everyone. Many shelter animals are relinquished because of socialization or health issues. Adoption may not be an appropriate option for families looking for a certain breed of animal or those with allergies or other medical reasons for choosing a specific breed of animal. There are varied reasons why families choose the animals they do. They should have the greatest possible choice and not be denied the opportunity to find the pet that best fits their family's requirements.

Furthermore, Connecticut has some of the strictest pet warranty laws in the country. People who purchase pets from pet stores in Connecticut have ample opportunity to recover under alternative remedies in the rare event they purchase a sick or injured animal from a pet store. In obviating this consumer protection provided under state law, a ban or a *de facto* ban against the sale of pure bred animals adversely impacts small businesses and pet owners alike. Only pet stores provide this warranty – shelters, breeders and rescue groups do not offer a warranty.

Hyperbole and emotionalism are poor substitutes for rational evaluation of objective information in establishing public policy. PIJAC recognizes that a few substandard facilities supplying pet stores do exist, as do substandard breeders providing dogs directly to the public. We would welcome the Task Force moving forward on an effort to ensure that humane standards of care are met and that Connecticut retail pet stores only acquire animals from in-state breeders and USDA-licensed out-of-state breeders who have not been cited for direct violations in their most recent USDA inspection. Direct violations are instances where the safety or health of the animal is put at risk for mistreatment or neglect.

Singling out Connecticut pet stores for specious generalizations based on anecdotal evidence will NOT eliminate the existence of substandard conditions at out-of-state breeders. While a retail pet sales ban proposal or some similar measure may be a "feel good" approach, it only diverts attention away from efforts to really accomplish effective solutions. We urge the Task Force not to move forward on a ban or any proposal that prohibits the sale of animals from good breeders, but rather commit to making a recommendation to the Legislature that limits the ability of substandard breeders to sell unfit animals.

PIJAC is highly sympathetic to the concerns motivating the creation of this Task Force, but an outright ban on retail pet sales or a prohibition on the sale of animals from licensed USDA out-of-state breeders in good standing is unjustified, harmful to the state's economy and ultimately will fail to better protect pets. We respectfully urge the

Task Force to reject a ban or any similar measure and work to develop a legislative recommendation that will more reasonably target specific concerns being expressed here without imposing excessive restrictions on all pet owners by closing legitimate local businesses that are committed to the health, safety and well-being of the animals they provide to Connecticut families.

If the purpose of this Task Force is to place tighter restrictions on the sources of animals coming into Connecticut pet stores from out of state (as most rescue animals do, as well), PIJAC would welcome the opportunity to help develop a proposal to raise the bar to ensure proper pet sourcing that protects dogs and cats. For instance, common sense solutions require:

- Animals come from only in-state breeders or USDA licensed out-of-state breeders or brokers, as is current law
- Out-of-state breeders sourcing animals in a Connecticut pet store shall not have an entry on their last USDA inspection report that directly impacts animal health (these records are searchable online) – these inspection reports could travel with the animal and be made available to the customer

PIJAC supports laws and industry standards that require breeders to observe humane breeding practices and that are designed to discourage or prohibit substandard breeders' operations. We support the vigorous enforcement of federal and state animal welfare laws that set standards for the humane treatment of breeding animals and their offspring. PIJAC submits that the regulation of breeding should consist of (1) the enforcement of the federal Animal Welfare Act ("AWA") administered by the U.S. Department of Agriculture; (2) the implementation of good breeding practices through the cooperative participation of veterinarians, breeders, animal welfare interests and pet stores, and (3) as appropriate, strengthening state laws regulating breeders and importers of pets.

It should be noted that numerous federal and state standards exist that comprehensively address sales at pet stores. The Connecticut pet warranty law allows for the recovery of vet fees and purchase price in the rare event an animal has serious health concerns. Federal law requires breeders to adhere to expansive standards involving veterinary care, exercise, enclosures, food, water, diet, protection from the elements and socialization. Further, a local pet store is the situs of an important relationship between pet owner and animal authority—much important care information is passed along at the store.

PIJAC supports the adoption of industry breeding standards and the enforcement of the AWA and, when necessary, state laws regulating breeders. PIJAC pioneered the development of educational programs that promote pet welfare. In 2006, it adopted the *Animal Care Guidelines for the Retail Pet Industry*.<sup>1</sup> The Guidelines recommend good operating procedures for selling animals in a responsible manner, caring for animals in a pet store, maintaining animal care records, keeping a store clean, safeguarding public health and maintaining facilities, developing procedures, and training and scheduling employees.

By following these good operating procedures and complying with *existing* state laws, Connecticut pet stores already provide some of the most comprehensive and responsible animal care in the country. And consumers benefit. For example, Connecticut is one of four states that has a statute requiring sourcing signage to be displayed alongside all dogs sold, and Connecticut's requirement is certainly the most comprehensive. To our knowledge, Connecticut is the only state in the country whose signage requirement includes "a telephone number at the Department of Agriculture through which information may be obtained regarding complaints about diseased or disabled animals offered for

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<sup>1</sup> Animal Care Guidelines, available at <http://www.pijac.org/animal-welfare-and-programs/animal-care>

sale.” Additionally, consumers must already be provided with a certificate of origin upon purchase of a dog. Section 22-354(b) states:

(b) Any dog sold or offered for sale by a pet shop licensee in this state shall be accompanied by a certificate of origin identifying the name and address of the person, firm or corporation that bred such dog and of any person, firm or corporation that sold such dog to such pet shop licensee. Such certificate shall be in a form as prescribed by the Commissioner of Agriculture. Such information contained in the certificate of origin shall be posted on the sign described in section 22-344d and such information shall be visible to customers. A copy of such certificate shall be provided to the purchaser of such dog at the time of sale and shall be filed by such licensee with the Department of Agriculture not later than seven days after such sale. No pet shop licensee shall purchase a dog or cat for resale from a breeder or other person, firm or corporation located outside of this state that is not in possession of a current license issued by the United States Department of Agriculture and any applicable state agency. Any pet shop licensee violating the provisions of this subsection shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both, for each violation. Each day a pet shop licensee is in violation of this subsection shall constitute a separate offense.<sup>1</sup>

Additionally, PIJAC has actively supported cooperative efforts among representatives of the pet products, veterinarian and animal welfare communities to adopt state-of-the-art breeding welfare standards, starting with an agreement last year on what constitutes a puppy mill, which appears below. However, the industry decries the casual use of this term because it is often used in an overly broad and incorrect manner to describe ALL breeders, responsible and irresponsible.

“The HSUS identified . . . as a puppy mill: an operation that sells dogs for money and fails to breed them appropriately or provide adequate housing, shelter, staffing, nutrition, socialization, sanitation, exercise, and veterinary care. The definition was agreed to last year by the HSUS, the ASPCA, the American Pet Products Association, the Pet Industry Distributors Association, the Pet Industry Joint Advisory Council, and retailers Petco and Petland.”

*HSUS, Animal Sheltering, Nov. – Dec. 2013, page 36.*<sup>2</sup>

PIJAC respectfully submits that independent pet stores that sell pets, including dogs of a particular breed bred by commercial breeders, play an important role in the companion animal world. They provide the consumer with the ability to personally inspect and choose a dog of a specific breed whose attributes match the needs of its owner and to receive information on the care of the pet from a knowledgeable source, the professional employee of the pet store. Health information involving the dog is often provided by a veterinarian’s report that accompanies the puppy. As well, pet stores that sell pets are important members of and contributors to Connecticut’s small business community.

The small business pet store is premised on a unique economic model. It is typically an independently owned and operated small business. It frequently competes with larger box stores or their affiliate stores. It sells pets that serve as its ambassadors to the community and that often account for the majority of the store’s revenue. According to the 2012 American Pet Products Association’s National Pet Ownership Survey (“2012 APPA Survey”), of 527 pet owners

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<sup>1</sup> Connecticut General Statutes, <http://www.cga.ct.gov/2011/pub/chap435.htm#Sec22-354.htm>

<sup>2</sup> Available on line at <http://www.animalsheltering.org/resources/magazine/nov-dec-2013/>.

surveyed, 76% of the dog owners surveyed shopped at a local-independent pet store and 79% of the dog owners surveyed shopped at pet chain/superstores (the survey permitted multiple responses so totals are greater than 100%). In Connecticut the annual net revenue of the state's 16 (now 17) pet stores that would be affected and sell dogs is approximately \$25 million. The gross revenue, before all taxes paid to state, county and municipal authorities, is higher still. Hundreds of individuals rely on pet stores for employment, and they are disproportionately made up of the very young, for whom these retail positions represent an entry into the workforce, and the senior, for whom a pet retail job represents a way to ease into retirement and transition out of the workforce.

It should be noted that traditional brick and mortar pet stores sell pets in all fifty states. There are non-profit breeders in each of the fifty states and for-profit breeders in many states. The AWA sets general standards for the humane care of certain animals that are bred for commercial sale. In light of the commerce between states of commercially bred animals, PIJAC believes the most effective way to regulate commercial breeders is through the AWA as it was passed by Congress to directly regulate commercial breeders. A patchwork of state and local laws will frustrate interstate commerce, unless they were carefully developed to work in concert with federal laws.

A Connecticut law prohibiting the state's independent pet stores from selling pets sourced from licensed out-of-state breeders will not address the key problem: out-of-state commercial breeders that do not bother to observe humane breeding standards or in some cases even become licensed by the USDA. According to the 2012 APPA Survey, breeders were the source of the largest percentage of dogs (28%). The second largest source was a friend or relative (27%), and the third was animal shelters (20%). According to the ASPCA, at most 10% of dog purchasers acquired their pets from pet stores. In light of the large number of dogs obtained from breeders and the relatively small number from independent pet stores, there is no reason to believe that banning the sale of pets by pet stores will address the heart of the animal welfare problem: the out-of-state breeder who does not observe humane breeding standards.

As noted, PIJAC submits that the breeding welfare of commercial animals, including companion animals, in all fifty states should be regulated primarily by the federal government under the AWA. If the Task Force, however, determines that Connecticut should additionally regulate the commercial breeding of animals, then it should adopt a law that rationally relates to improving the welfare of animals from commercial pet breeders. We urge the Task Force not to recommend that the legislature adopt a total ban on the sale of pets by pet stores or one that mandates sourcing exclusively from shelters or rescues. As outlined above, we respectfully submit that a total ban or one that mandates a shelter-based model (which we submit is not compatible with the independent pet store's for-profit model) will force many, if not all, of Connecticut's pet stores selling pure bred puppies out of business. More importantly, it will not address the root cause of the problem: some out-of-state commercial breeders that fail to observe humane breeding practices.

#### **PIJAC's Recommendations to Task Force**

Instead, we urge the Task Force to recommend the following:

1. That the legislature adopt a law that prohibits the sale of dogs and cats obtained from USDA-certified out-of-state breeders who have direct violations on their latest USDA inspection report (and this report should be provided to the purchaser of all dogs and cats).

Connecticut law currently requires that the sale of a dog by a licensed pet shop be accompanied by a certificate of origin identifying the breeder of the dog and prohibits a pet shop from purchasing a dog or cat from an out-of-state breeder that does not possess a current license issued by USDA in accordance with the AWA. PIJAC urges the Task Force to recommend legislation that would amend this law to prohibit a pet store from purchasing a dog from a breeder who has a direct violation on their latest USDA inspection report.

2. That the legislature amend Section 22-354(b) of the general statutes to require that a copy of the certificate of health described in Section 22-354(a) be provided to purchasers in addition to the certificate of origin currently required.

This document, which is already required by state law, attests to the health and well-being of animals prior to coming under the care of Connecticut pet stores. By providing this information to the purchaser, an additional element of transparency is provided with regard to the humane sources and the health of these animals.

3. That the legislature immediately authorize additional funding for the Connecticut Department of Agriculture's Animal Control Division.

Throughout these hearings, we have received testimony that the Animal Control Division currently lacks the resources necessary to carry out its vital mission of investigating animal cruelty, licensing and inspecting pet facilities and enforcing animal control laws. This is important work that directly affects the health and welfare of animals in pet stores and elsewhere; if protecting animals is our primary goal, increased funding for the Animal Control Division must be a part of any legislation.

PIJAC submits that these legislative solutions will more likely address the problems – the substandard out-of-state breeder, the concern for the health of the animals sold at pet stores and the shortage of funds for enforcing current laws – without putting the only highly-regulated source for puppies, i.e., independent pet stores out of business. We also urge the Task Force not to recommend a legislative solution that gives preferential treatment to Connecticut breeders at the expense of breeders from other states, since such a proposal would impermissibly discriminate against interstate commerce.

PIJAC appreciates the opportunity to submit these comments to the Task Force.