



Testimony

of

**Daniel Kass, MSPH
Deputy Commissioner, Division of Environmental Health
New York City Department of Health and Mental Hygiene**

before the

New York City Council Committee on Health

On the

Proposed Regulation of Pet Shops

**April 30, 2014
Committee Room – City Hall
New York City**

Good afternoon, Chairman Johnson and members of the Health Committee. My name is Daniel Kass, and I am the Deputy Commissioner for the Division of Environmental Health at the New York City Department of Health and Mental Hygiene. I am joined here today by Mario Merlino, the Department's Assistant Commissioner overseeing veterinary health and Corinne Schiff, Director of Special Projects in the Division of Environmental Health. On behalf of Commissioner Bassett, thank you for the opportunity to testify today.

This is the first time I have had a chance to testify before this Committee in the new year, and I wanted to take a moment to describe the roles played by the Health Department with respect to animals. The Department oversees the animal sheltering system, which retrieves and accepts, cares for, and temporarily shelters abandoned or unwanted animals. The Department also administers the Animal Population Fund spay-neuter programs, which fund spay and neuter services for dogs and cats owned by low-income New Yorkers. Our regulatory work includes issuing dog licenses, and regulating the horse carriage and commercial riding industries. The Department receives and responds to reports of animal bites, coordinates rabies testing and rabies prophylaxis when needed, and investigates animal nuisance complaints. We monitor both wildlife and domestic animals for diseases, such as rabies, that can impact human health, and issue permits for the exhibition of wild and exotic animals. Our regulatory work also includes permitting and inspecting animal handling establishments. This includes boarding, grooming, training facilities, and pet shops that sell small animals other than cats and dogs.

Four bills are under consideration today. The bills are, collectively, intended to help reduce the population of stray, abandoned and homeless animals, and establish a standard of care for all pet shop animals. We recognize that the Council cannot legislate directly over puppy and kitten breeders who are outside the City, and appreciate your effort to promote safe and humane conditions for dogs and cats. The Administration supports these goals, and we are here today to offer brief comments for the Council's consideration, answer any questions, and extend our offer to continue working with the Council on these important issues.

Intro 55

Intro 55 seeks to prohibit the sale of animals bred in "puppy or kitten mills" by prohibiting pet shops from selling dogs and cats acquired from certain sources, and applies the standard of care pet stores must provide for their dogs and cats to all of the animals in their possession. The Administration supports Intro 55's effort to influence the acquisition, care and sale of animals, notably by discouraging the over-breeding of dogs and cats.

If the Department is to expand its responsibility over pet stores to inspect establishments selling dogs and cats, conduct extensive paperwork review and evaluate pet shops' day-to-day care of all animals, we would require additional staff. This will include new staff with veterinary expertise, additional inspectors, and funding to modify our inspectional software.

We welcome the opportunity to work with the Council to strengthen some of the provisions in the bill. We can enhance the Department's enforcement authority, such as by requiring pet shops to maintain and produce records electronically, and explicitly enabling the Department to issue Notices of Violation subject to fines following a hearing.

We do not yet know how many dogs and cats are purchased through pet shops. We also do not know how many fewer dogs and cats would be sold if it became more difficult to acquire

them through pet shops, or more expensive to acquire puppies or kittens from breeders. We hope that, overall, the expanded regulation of pet shops will encourage New Yorkers to adopt from shelters run by Animal Care and Control.

Intro 136

Intro 136 would broaden the types of animals required to be sterilized prior to being released from an animal shelter or pet shop to include rabbits and guinea pigs; require pet shops to sell dog licenses; and mandate that pet shops report monthly information to the Department about all dogs sold.

The Department supports efforts to increase animal sterilization where medically appropriate and to expand dog licensure. State law requires that owners of dogs in New York City license them; owners are more likely to be reunited with their lost dogs if those dogs are licensed; a license is required to use one of the City's dog parks; and license fees help support the City's animal care efforts, including by funding low-cost spay and neuter services for the City's dogs and cats. We fully endorse the law's mandate to license dogs.

We believe that pet shops can easily comply with the requirement to license dogs sold, and note that the Department is redesigning its licensing system to enable third parties to maintain inventories of licenses to provide at the point of sale.

We are concerned, however, about requiring the sterilization of guinea pigs and small rabbits. The mortality rate from such surgeries may be quite high, and we do not believe that there is a significant risk of overpopulation to justify the expense and potential harm to these animals. We suggest eliminating guinea pigs from the bill and providing a means by which rabbits would be sterilized only at an appropriate size.

Intro 146

Intro 146 would require pet shops to microchip and register a dog or cat before releasing the animal. This mandate would be consistent with the practice at Animal Care and Control, which microchips dogs and cats before they are adopted or returned to their owners. The Department supports this legislation and believes it will help owners find their lost animals, reducing the population of lost animals in the shelter system.

Intro 73

Intro 73 would amend the definition of pet shop in the Animal Abuse Registry Act. The Department supports this amendment, and suggests that each bill under consideration today adopt a single definition to avoid confusion.

Thank you for the opportunity to testify today. I would be happy to answer any questions.



**Testimony of
Risa Weinstock
Executive Director & General Counsel
Animal Care & Control of NYC**

Before the
New York City Council Committee on Health

on

**Int. No. 55
Int. No. 136
Int. No. 146**

April 30, 2013
1:00 p.m.
250 Broadway, 14th Floor
New York, NY

Good morning Chairman Johnson and members of the Health Committee. My name is Risa Weinstock and I am the Executive Director and General Counsel of Animal Care & Control of NYC (AC&C). Thank you for the opportunity to testify this morning concerning the proposed Local Laws to amend the administrative code of the city of New York with regard to pet shops. I would like to address several provisions of three of these bills – Int 0055 (prohibiting the sale of puppies and kittens bred in puppy and kitten mills; Int 0036 (spaying, neutering and licensing of animals sold in pet shops); and Int 00146 (microchipping animals sold in pet shops). In particular, the provisions requiring pet shops to spay/neuter, license and/or microchip the dogs, cats and other animals they offer for sale could impact the many challenges posed by the overpopulation of stray, homeless and abandoned pets in NYC – challenges that AC&C deals with every day.

Before I address the particulars of these proposed bills, allow me to give you a brief overview of Animal Care & Control of New York City. AC&C is one of the largest animal welfare organizations in the Northeast, and unique in the animal welfare community of NYC because we are the only organization that takes in and cares for more than 30,000 animals each year in the five boroughs. AC&C was established in 1995 as a 501(c)(3) not for profit organization, dedicated to rescuing, caring for and finding loving homes for homeless and abandoned animals in New York City. Through a contract with the City of New York and DOHMH, AC&C operates five facilities, one in each borough, that are “open admission ” -- meaning that each center accepts any animal that comes through its doors regardless of the behavior they are exhibiting, the condition they are in or their medical status. We are the only not for profit animal welfare organization in NYC that is open admissions. We receive animals of all kinds at each of these locations — dogs, cats, rabbits, snakes, birds, reptiles and on occasion various farm animals.

The number of animals that AC&C takes in is staggering and the amendments that city council is proposing are a positive step toward reducing the number of stray, lost and abandoned animals in NYC. Of the 30,264 animals AC&C took in last year (2013), **11,726** were dogs; **18,538** were cats; **382** were rabbits; and **126** were guinea pigs. These numbers include owner surrenders, owner requests for euthanasia, strays, returns, and animals brought in by the police. Of this number, only 1,528 dogs and cats were returned to their owner or an existing cat colony. My testimony will focus on those aspects of the amendments that AC&C believes can impact the overpopulation of stray and abandoned animals in NYC and help us more effectively find homes for these animals.

Int 0055 – a Local Law to amend the administrative code of the city of NY in relation to prohibiting the sale of puppies and kittens bred in puppy mills.

- a. The addition of Section 17-1703 requires a pet shop to provide an information statement to every purchaser of a cat or dog at the time of sale. These information sheets can be an excellent source of information for AC&C as well, in the event that the purchaser of the dog or cat surrenders their pet to one of our shelters or receiving centers. With this additional information, AC&C will be able to understand the dog or cat’s history and make a more informed decision about that animal’s care and placement. We recommend that the same information required for dogs be provided for cats and suggest that section 2(c) describing breed, sex, color and identifying marks for dogs also be included in section 1 for cats, provided such information is available. Additionally since so many of the animals at AC&C are strays, it would be helpful if the pet shop were required to keep this information for at least 3 years. This would be useful in the event that a dog or cat’s microchip information is not current, but we are able to trace the microchip back to the pet store. Again, having more information about a stray animal will help inform how we care for and seek placement for an animal.

Int 00136 – a Local Law to amend the administrative code of the city of NY in relation to the spaying, neutering and licensing of animals sold in pet shops

- a. **Section 2(f): “Sterilization”:** As I explained earlier, NYC has an enormous population of stray and abandoned animals. On average, AC&C takes in over 600 animals weekly, that’s more than 85 every day. Many of these animals are unclaimed and there is never a shortage of dogs, cats and rabbits available for adoption at AC&C and throughout NYC. Every animal adopted from AC&C is required to be spayed or neutered, barring any special circumstances. By requiring the same of pet shops, mandatory sterilization as proposed by city council has the potential to change those intake numbers in a very positive way. AC&C offers one recommendation to section 2(f) of this amendment, which contains a proviso that a dog or cat must be “at least eight weeks of age” to be spayed or neutered. We strongly recommend that, *in addition to the age requirement*, the council include a proviso that the dog or cat also be a *minimum of two pounds* since some animals may be under 2 pounds even at 8 weeks of age.
- b. **Section 5/Licensing of dogs required (adding new sections 17-814 to Chapter 8 of title 17):** AC&C strongly supports the requirement for pet shops to ensure that a purchaser or adopter of a dog or cat complete an application for a license. A license is one of the most effective sources of information that our customer care officers rely on to help us reunite a lost pet with their family. Additionally, if our field officers are able to identify a dog’s owner through a current dog license attached to that dog’s collar, that dog may be able to get a “free ride home” rather than being brought in to the shelter as a stray. Section (b) of this amendment exempts a pet shop from the license obligations if a purchaser submits a written statement that the dog is to be harbored outside the city. AC&C suggests that the purchaser be required to submit more substantial evidence than a written statement, such as a copy of a utility bill and some other form of identification that establishes more clearly that the purchaser resides outside of NYC and is therefore exempt from the NYC license requirement.

Int 00146 – a Local Law to amend the administrative code of the city of NY in relation to microchipping animals sold in pet shops

- a. **Section 17-814 Microchipping required:** Similar to the requirement to license dogs sold in pet shops, AC&C supports the amendment to require pet shops to microchip a dog or cat. Just like a license, a microchip is a very effective means for our staff to identify a lost pet. In calendar year 2013, AC&C took in 6,436 stray dogs and 12,714 stray cats. In just the past 4 months AC&C has taken in 1,977 stray dogs and 2,963 stray cats. AC&C supports the council’s effort to help ensure that these animals have a chance of being reunited with their families. A microchip may also help us obtain information, such as the information sheet proposed in Int. 0055, about these animals from either the pet store or the contact information for the individuals who purchased the dog or cat originally.

Conclusion

AC&C welcomes the efforts of the City Council to help reduce the overwhelming number of abandoned and stray animals in NYC through these amendments. The magnitude of this issue not only impacts AC&C, it impacts the health and welfare of the entire City of New York. The proposed amendments help promote responsible pet ownership and community involvement – including the cooperation and participation of pet shops. AC&C has been licensing, microchipping and sterilizing our adopted animals for nearly two decades. We welcome the support of the City Council to require pet shops to do the same. Thank you for the opportunity to testify today. I am happy to take your questions.



**TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL
FOR CONSIDERATION OF THE
NEW YORK CITY COUNCIL COMMITTEE ON HEALTH
IN OPPOSITION TO INT. NO. 55, "IN RELATION TO PROHIBITING THE
SALE OF PUPPIES AND KITTENS BRED IN PUPPY AND KITTEN MILLS"**

April 30, 2014

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the New York City Council's Committee on Health our views regarding Int. No. 55, a local law that would have the effect of prohibiting the retail sale of dogs and cats in pet shops in New York City. 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 the commercial pet trade. More specifically, PIJAC represents the interests of pet stores, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of New York and across the country.

Let me start by saying that nobody 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 not only persons in the commercial pet trade but shelters and humane societies as well. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and 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 rogue Internet operators, private breeders, shelters and rescues, did not come from licensed breeders.

By titling this law as you have and then going on to use the term "puppy mill" in the text of the law – even though you don't officially define it – you are demonstrating a bias against USDA licensees. 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, including 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.

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“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

Note that this agreed-upon definition does not include a number of breeding females or puppies sold in a year. The reason for this is that there is no inherent correlation between either figure and the standards of care that a facility can provide. A professional breeder, with state-of-the-art equipment, well-trained staff and sufficient space may be able to care for dozens of animals in a much more responsible manner than a hobby breeder who operates out of their home can care for a single litter. By choosing arbitrary figures to define a “high volume breeder” and then prohibiting pet stores from sourcing directly from such breeders, you are denying New York City pet stores and potential pet owners from utilizing professionally-run, well-regulated breeders based solely on the number of animals for whom they care.

Our second concern is with subsection b (2) of section 17-702 as written in the proposed law. This would prohibit pet stores from obtaining animals from a dealer with *any* violation of any provision of 7 U.S.C. 54. While we understand the impetus for this requirement, we are concerned that it inadvertently equates Direct Non-Compliance Issues – those that have an acute impact on the health or well-being of an animal – with Indirect Non-Compliance Issues, which address a wide range of issues from handling and veterinary care all the way to clerical errors. We believe that revising this subsection with the inclusion of the word “direct” before the word “violation” would clarify and strengthen it while respecting its intent.

It should be noted that the breeders and dealers who provide animals to pet shops are subject to USDA scrutiny and oversight. Effectively 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. Thus, in considering an arbitrary and capricious ordinance, New York City risks enacting a law that will not only fail to alleviate the conditions about which it has concerns, but will actually exacerbate the very problem the law would seek to address.

Animals delivered to pet stores in New York City are highly regulated:

- In the state of their birth
- In the state of their distributor
- By the federal government
- By New York 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. No independently developed data supports this claim. PIJAC knows that animal control facilities and non-profits are often excellent sources for pets for some prospective pet owners, however, 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. There are varied reasons why families choose the animals they do. They should have that choice and not be denied the pet that best fits their family’s requirements.

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 and, in fact, substandard shelters as well. And, our efforts to ensure humane standards of care are met in all of these facilities will continue. However, singling out pet stores for specious generalizations based on anecdotal evidence will **NOT** eliminate the existence of substandard conditions. While this proposal may be a “feel good” approach it only diverts attention away from efforts to really accomplish effective solutions and we urge the Board not to move forward with the proposal.

We would also call your attention to the comments made by the Chicago Veterinary Medical Association in opposition to the Chicago ordinance that passed last month: “The Chicago Veterinary Medical Association (CVMA) strongly believes that ongoing education is a much more effective method to increase pet owner awareness and bring about the desired positive change necessary to address valid concerns regarding unethical, unscrupulous breeders who are the ultimate problem.”¹ Their statement cites the several more stringent protections offered to consumers who buy from pet stores as a primary reason for their opposition.

PIJAC is highly sympathetic to the concerns motivating this proposed law, but an effective ban on retail pet sales is unjustified and ultimately will fail to better protect pets. We respectfully urge the Committee on Health and the entirety of the New York City Council to reject the ban and not impose excessive restrictions on all pet owners by punishing legitimate local businesses that are committed to the health, safety and well-being of animals and who are positive, contributing members of the local community and economy.

If the purpose of this proposal is to place tighter restrictions on the sources of animals coming into New York City, PIJAC would welcome the opportunity to work with the members of the City Council and other government officials to raise the bar to ensure proper animal sourcing. For instance, common sense solutions would require:

- Animals come from only USDA licensees
- Breeders sourcing – both directly and indirectly - dogs or cats into a pet store in New York City shall not have a single Direct Non-Compliance Issue (NCI) or a certain number of Indirect NCIs that affect animal health (those citing sections 2.40 and 2.131 of federal animal welfare regulations) on any inspection during the previous twelve months

We would welcome the opportunity to work with the New York City Council to arrive at a meaningful public policy solution related to the care of animals. By working together we can make sure the people of New York continue to have access to healthy animals to love as pets.

Thank you greatly for your consideration of our views.

Mike Bober
Vice President, Government Affairs
Pet Industry Joint Advisory Council

1 - <http://www.chicagovma.org/article/cvma-statement-city-chicago-proposed-companion-animal-and-consumer-protection-ordinance>

**NEW YORK
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**TESTIMONY OF ELIZABETH STEIN
MEMBER, ANIMAL LAW COMMITTEE OF THE
NEW YORK CITY BAR ASSOCIATION
IN SUPPORT OF INT. 0055-2014, 0136-2014, AND 0146-2014**

**NEW YORK CITY COUNCIL
COMMITTEE ON HEALTH
April 30, 2014 - 1:00 P.M.**

Good afternoon. My name is Elizabeth Stein and I am testifying on behalf of the New York City Bar Association's Committee on Animal Law.

Chairman Johnson, Council Member Crowley and members of the Health Committee thank you for this opportunity to testify on Intros. No. 0055, 0136, and 0146. For your reference, attached to my written testimony are copies of the Animal Law Committee's full reports on these pieces of legislation.

INTRO. NO. 0055-2014 - PROHIBITING THE SALE OF PUPPIES AND KITTENS BRED IN PUPPY AND KITTEN MILLS

We vigorously support the Council's efforts to enact legislation to ensure that puppies or kittens purchased by consumers from a City pet shop are not sourced from inhumane dog or cat breeders and we applaud the Council for acting so quickly after legislation (the "Preemption Bill") was enacted in January to allow New York municipalities the ability to enact stricter local laws governing pet dealers within their jurisdictions.¹

Among other things, this law (codified at Ag. & Mkts. Law §407) now permits New York City to impose restrictions or requirements concerning the source of dogs and cats offered for sale to the public by pet stores (provided that such restrictions do not constitute an outright ban on all sales of dogs and cats) as well as greater standards of care for dogs and cats maintained by pet stores and breeders.²

¹ A.740-A/S.3753-A, NYS L. 2013, Chp. 553. See Report on A.740-A/S.3753-A, Animal Law Committee, New York City Bar Association, June 2013, available at <http://www2.nycbar.org/pdf/report/uploads/20072516-PetDealerPreemption.pdf>.

² Ag. & Mkts. Law Section 704(c) provides that "no such local law, rule, regulation or ordinance shall . . . essentially result in the banning of all sales of dogs or cats raised and maintained in a healthy and safe manner". The New York City Bar Association approved the passage of this law with the recommendation that the language barring an outright ban on the sale of dogs and cats be removed for being unduly vague (as the phrase "raised and maintained in a healthy and safe manner" is not defined) and because the prerogative to enact such a ban would fall within the recognized police powers of New York state municipalities. *Id.*

It is well documented that many of the puppies and kittens sold at retail pet stores, including those in New York City, come from puppy and kitten mills where the so called “breeding stock”, the mothers and fathers of the puppies produced for sale, are subjected to such cruel and inhumane practices as inbreeding, overbreeding, minimal to non-existent veterinary care, lack of adequate food, water and shelter, lack of socialization, lack of adequate space and the inhumane euthanization of unwanted animals.³ These conditions oftentimes result in health and behavioral issues in the animals purchased by unwitting consumers, who have no idea that these puppies and kittens are the products of puppy mills or kitten mills.

The ability of the City to limit the sale of puppies and kittens by pet stores to only those animals raised in a healthy and safe environment will severely curtail if not abolish the sourcing of these animals from puppy and kitten mills. The inability to purchase puppy-mill dogs and kitten-mill cats in New York City will ultimately result in a greater demand by the public for animals bred in compliance with those humane standards imposed by the Council as well as increased adoption of the homeless animals in the City’s shelters.

We believe, however, that as drafted Intro. No. 0055 does not do enough to accomplish the laudable goal of ensuring that puppies or kittens purchased by consumers from a City pet shop are not sourced from inhumane dog or cat breeders and we therefore offer a number of recommendations to improve the bill.

First, under the proposed bill, it would be unlawful for a pet shop to sell a dog or cat from a high volume breeder. The term “high volume breeder”, however, is defined as any person who has custody of or an ownership interest in one or more breeding females and sells more than 50 of the offspring of such breeding females in a one year period; or any person that has custody of or an ownership interest in 20 or more breeding females. As drafted, such a definition would exclude many puppy mill and kitten mill breeders from the definition of high volume breeder and would thus allow such breeders to continue to sell their puppies and kittens to pet stores in New York City. We suggest that these numbers be reduced significantly so as to allow the sale of puppies and kittens from only reputable and responsible breeders. A total of four litters in a breeding female’s lifetime would seem an appropriate limit. Similarly, we suggest that the number of breeding females in which a person has an ownership interest should be significantly fewer than 20. Additionally, the term “person” as used in the definition of high volume breeder is not defined in the bill. We recommend that the term “person” be defined to include both organizations as well as individuals.

Lastly, we recommend that the bill be amended such that pet stores may only sell puppies and kittens from licensed USDA dealers who have not been found in violation of the Animal

³ See Report on A.1655-A/S.4799, Animal Law Committee, New York City Bar Association, June 2013 (would expand the definition of the term “pet dealer” to include wholesale pet breeders, define the term “retail pet store,” improve humane housing and care standards for animals maintained by pet dealers, and add new record keeping, licensing and inspection provisions with respect to pet dealers), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072530-PetDealerDefinitionExpansion.pdf>.

Welfare Act (AWA) for the past three years (as opposed to merely one year as presently drafted). We recognize that the standards for compliance under the AWA are minimal at best and that inspections of the dealers and enforcement of the law are inadequate.⁴ It is for these reasons that we believe it is crucial for the onus on the breeders to be far greater than mere compliance with the AWA for one year.

Although the City is now permitted to enact enhanced requirements for the standards of care of animals by pet dealers, we note that the minimum standards of care included in the bill are merely a codification of State law standards. We recommend that the bill be amended to provide enhanced standards of care for animals (applicable to both pet stores and breeders), above and beyond state law standards, including additional requirement for housing (including ventilation, lighting, temperature, flooring and space requirements), sanitation, feeding and watering, handling, veterinary care, exercise requirements, grooming and fire safety.⁵

We also recommend that pet stores be required to obtain certification from the breeders attesting to compliance with these standards and that pet stores be prohibited from selling dogs and cats from breeders that are not in compliance with these standards. By requiring such compliance from any breeder selling puppies and kittens to NYC pet stores, the Council will be eliminating the market for puppies and kittens bred in mills.

We urge the Council to amend the Intro. No. 0055 to take into consideration the above recommendations.

INTRO. NO. 0136-2014 - SPAYING, NEUTERING AND LICENSING OF ANIMALS SOLD IN PET SHOPS

We support the enactment of Intro. No. 0136 as an important means of strengthening the City laws regarding spay and neuter requirements as well as pet licensing and identification.

By requiring a pet shop to collect a dog license application and fee before it can sell or release a dog to a purchaser or adopter and then transmit the application and fee to the Department, Intro. No. 0136 would help enforce the dog license requirement while also increasing funding to the Animal Population Control Fund. The burden herein is well placed on the pet stores, which remain responsible for a significant portion of our City's overburdened shelter system.

The City has long recognized the importance of spaying and neutering as a way to control the City's rampant animal overpopulation problem and ultimately lower the number of homeless

⁴ See Report on H.R.847/S.395 ("The Puppy Uniform Protection and Safety Act"), Animal Law Committee, New York City Bar Association, June 2013 (would amend the Animal Welfare Act to expand the definition of the term dealer to include high volume retail breeders, improve exercise standards for animals maintained by dealers, and add new licensing provisions with respect to dealers), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072517-PUPSAAct.pdf>.

⁵ See Report on A.1655-A/S.4799, *supra*.

animals entering the City's animal shelter system. We note that it was only with the recent enactment of the Preemption Bill that New York City has been able to enforce Section 17-804 of the City's Code requiring pet shops to sterilize all dogs and cats prior to purchase by a consumer. Now that it is able to do so, we urge the City to vigorously enforce this important law.

We support the amendment of the City Code to expand the pet store sterilization requirement to rabbits, which comprise a large number of the City's lost, strayed and abandoned animals and are able to reproduce in significant numbers in short periods of time.

However, we recommend that Intro. No. 0136 be amended to exclude guinea pigs as well as other small animals, which do not present a significant overpopulation problem and are not burdening the City's animal shelter system in the same manner as dogs, cats and rabbits. Further, the spaying or neutering of such small animals is potentially dangerous and uncommon.

We also recommend that the legislation be amended to address the age requirements triggering the mandatory pet store sterilization based on the established advice of veterinarian and humane organizations. First, we recommend that the sterilization requirement should apply to any dog or cat that is at least eight weeks of age and at least two pounds in weight (the age and weight range for such animals at which the procedure can safely be performed). In the case of rabbits, we recommend that the mandatory sterilization requirement only apply to rabbits that are four months of age or older as the procedure is unsafe for rabbits younger than four months.

We also recommend an amendment to the City Code regarding the exception to the current dog and cat sterilization requirements of Section 17-804, as well as the identical exception found in Intro. No. 0136, which permits pet stores to release unsterilized animals "to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian . . . stating the reason(s) why, in the opinion of such veterinarian, such dog, cat or other animal, should not be sterilized until a later specified date . . ." Such an exception is not narrowly tailored to require that the veterinarian's medical opinion be based on the best health or welfare interests of the animal in question following a medical examination of the animal. As practical matter, it is unclear how a veterinarian would have the opportunity to examine an animal offered for sale by a pet store prior to purchase by a consumer. For these reasons we recommend that Section 17-804 (and the corresponding portion of Intro. No. 0136) be amended to either remove this exception or make clear that any such exception may only be based on a letter from a licensed veterinarian who has examined the animal in question within the last 15 days and issued a medical opinion recommending deferred sterilization based on his or her professional experience and the best interest of the health or welfare of the animal in question.

In conclusion, we support Intro. No. 0136 and recommend that the Council consider amendments to implement our comments.

INTRO. NO. 0146-2014 - MICROCHIPPING ANIMALS SOLD IN PET SHOPS

We support the enactment of Intro. No. 0146 as an important means of strengthening City laws regarding pet licensing and identification, which will have positive collateral impacts on City residents – both human and animal – and the City's shelter system.

Although existing City law requires licensing of dogs as a method of identifying a pet's owner, many dog owners do not comply, and many of those that do license their animals do not physically maintain the license information on their pet (such as on a collar) so that the animal could be identified when not in the owner's care. Notably, existing law does not apply to cats, which make up a very significant number of lost and abandoned animals in City shelters. Microchipping is a simple process that yields one of the best ways to increase a pet's chances of being reunited with his or her family in the event that the pet is lost or stolen by providing a permanent form of identification. We applaud the Council for seeking to require City pet stores – which collectively bear responsibility for a significant percentage of our City's overburdened animal shelter system – to microchip dogs and cats, and ensure the registration of such microchip by the consumer at the time of release of such dog or cat.

We offer the following recommendations to strengthen Intro. No. 0146:

First, we recommend an amendment to clarify that the mandatory microchip registration by the pet store prior to sale be effectuated by the pet store with a bonafide microchip registering company. We also recommend that the proposed legislation be amended to clarify that the usage instructions to be provided to the consumer by the pet store should include the usage instructions provided by the manufacturer/registering company for the microchip implanted in the animal. The usage instructions should include such company's contact information as well as information regarding the necessity of maintaining current microchip registration and pet owner contact information with a microchip registering company.

Finally, we recommend that the proposed legislation be amended to increase the period in which the pet store must maintain the record of the usage instructions and consumer acknowledgement accompanying each pet sale. Given that the vast majority of dogs and cats sold by pet shops are puppies and kittens with a life span of more than five years, it is sensible to increase the record retention period to a time span that more closely tracks the animal's life span.

In conclusion, we support Intro. No. 0146 and recommend that the Council consider making the aforementioned amendments.

* * *

On behalf of the City Bar's Animal Law Committee, thank you for the opportunity to speak to you about this legislation.

NEW YORK CITY BAR

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REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

Int. No. 0055-2014

**Council Members Crowley, Johnson, Arroyo, Constantinides,
Levine, Palma, Vacca, Koslowitz, Espinal, Rosenthal**

A LOCAL LAW to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.

THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS

BACKGROUND

In January, Governor Cuomo signed into law a bill which now allows municipalities throughout New York to enact local laws governing pet dealers within their jurisdictions, provided such local laws are consistent with State law.¹ Among other things, this law (codified at Ag. & Mkts. Law §407) now permits New York City to impose restrictions or requirements concerning the source of dogs and cats offered for sale to the public by pet stores as well as greater standards of care for dogs and cats maintained by pet stores and breeders. It should be noted that the new State law does not allow the outright ban on all sales of puppies and kittens in pet stores provided these animals have been raised and kept in a healthy and safe manner.² One interpretation of the law would allow for the ban on some, but not all, sales of dogs and cats.

The New York City Bar Association approved the passage of this law with the recommendation that the language barring an outright ban on the sale of dogs and cats be removed for being unduly vague (as the phrase “raised and maintained in a healthy and safe manner” is not defined) and because the prerogative to enact such a ban would fall within the recognized police powers of New York state municipalities.³

It is well documented that many of the puppies and kittens sold at retail pet stores, including those in New York City, come from puppy and kitten mills where the so called “breeding stock”, the mothers and fathers of the puppies produced for sale, are subjected to such cruel and inhumane practices as inbreeding, overbreeding, minimal to non-existent veterinary care, lack of adequate food, water and shelter, lack of socialization, lack of adequate space and

¹ A.740-A/S.3753-A, NYS L. 2013, Chp. 553.

² Ag. & Mkts. Law Section 704(c) provides that “no such local law, rule, regulation or ordinance shall . . . essentially result in the banning of all sales of dogs or cats raised and maintained in a healthy and safe manner”.

³ See Report on A.740-A/S.3753-A, Animal Law Committee, New York City Bar Association, June 2013, available at <http://www2.nycbar.org/pdf/report/uploads/20072516-PetDealerPreemption.pdf>.

the inhumane euthanization of unwanted animals.⁴ These conditions oftentimes result in health and behavioral issues in the animals purchased by unwitting consumers, who have no idea that these puppies and kittens are the products of puppy mills or kitten mills.

RECOMMENDATIONS

The ability of the City to limit the sale of puppies and kittens by pet stores to only those animals raised in a healthy and safe environment will severely curtail if not abolish the sourcing of these animals from puppy and kitten mills. The inability to purchase puppy-mill dogs and kitten-mill cats in New York City will ultimately result in a greater demand by the public for animals bred in compliance with those humane standards imposed by the Council as well as increased adoption of the homeless animals in the City's shelters.

The Council therefore has the opportunity to enact legislation to ensure that puppies or kittens purchased by consumers from a City pet shop are not sourced from inhumane dog or cat breeders. We believe, however, that the Council bill as drafted does not do enough to accomplish this laudable goal for several reasons.

First, under the proposed bill, it would be unlawful for a pet shop to sell a dog or cat from a high volume breeder. The term "high volume breeder", however, is defined as any person who has custody of or an ownership interest in one or more breeding females and sells more than 50 of the offspring of such breeding females in a one year period; or any person that has custody of or an ownership interest in 20 or more breeding females. We respectfully submit that, as drafted, such a definition would exclude many puppy mill and kitten mill breeders from the definition of high volume breeder and would thus allow such breeders to continue to sell their puppies and kittens to pet stores in New York City. We suggest that these numbers be reduced significantly so as to allow the sale of puppies and kittens from only reputable and responsible breeders. A total of four litters in a breeding female's lifetime would seem an appropriate limit. Similarly, we suggest that the number of breeding females in which a person has an ownership interest should be significantly fewer than 20. Again, the purpose of this bill should be to ensure that dogs and cats sold in City pet stores are not being sourced from puppy and kitten mills.

Next, we would further like to point out that the term "person" in the definition of high volume breeder is not defined in the bill. So as to avoid confusion and ensure that organizations as well as individuals fall within the purview of the bill, we suggest that the term "person" be defined as such.

Lastly, we recommend that the bill be amended such that pet stores may only sell puppies and kittens from licensed USDA dealers who have not been found in violation of the Animal Welfare Act (AWA) for the past three years (as opposed to merely one year as presently drafted). We recognize that the standards for compliance under the AWA are minimal at best and that

⁴ See Report on A.1655-A/S.4799, Animal Law Committee, New York City Bar Association, June 2013 (would expand the definition of the term "pet dealer" to include wholesale pet breeders, define the term "retail pet store," improve humane housing and care standards for animals maintained by pet dealers, and add new record keeping, licensing and inspection provisions with respect to pet dealers), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072530-PetDealerDefinitionExpansion.pdf>.

inspections of the dealers and enforcement of the law are inadequate.⁵ It is for these reasons that we believe it is crucial for the onus on the breeders to be far greater than mere compliance with the AWA for one year.

The Council also has the opportunity to pass legislation imposing enhanced standards of care for dogs and cats both in pet stores and at breeders. As the bill is currently drafted, however, the proposed minimum standards of care are merely a codification of those contained in Section 401 of the Agriculture and Markets Law which are already applicable to pet stores in New York City. Such standards of care should include additional requirement for housing (including ventilation, lighting, temperature, flooring and space requirements), sanitation, feeding and watering, handling, veterinary care, exercise requirements, grooming and fire safety.⁶ We recommend that the bill be amended to require that not only pet stores but also breeders comply with these enhanced standards of care.

We also recommend that pet stores be required to obtain certification from the breeders attesting to compliance with these standards and that pet stores be prohibited from selling dogs and cats from breeders that are not in compliance with these standards. By requiring such compliance from any breeder selling puppies and kittens to NYC pet stores, the Council will be eliminating the market for puppies and kittens bred in mills.

CONCLUSION

For the aforementioned reasons, the Committee urges the Council to amend the Intro. No. 0055 to take into consideration the above recommendations.

April 2014

⁵ See Report on H.R.847/S.395 (“The Puppy Uniform Protection and Safety Act”), Animal Law Committee, New York City Bar Association, June 2013 (would amend the Animal Welfare Act to expand the definition of the term dealer to include high volume retail breeders, improve exercise standards for animals maintained by dealers, and add new licensing provisions with respect to dealers), *available at* <http://www2.nycbar.org/pdf/report/uploads/20072517-PUPSAAct.pdf>.

⁶ See Report on A.1655-A/S.4799, *supra*.

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**REPORT ON LEGISLATION BY THE
ANIMAL LAW COMMITTEE**

Int. No. 0136-2014

**Council Members Crowley, Arroyo, Dickens, Johnson, Koo,
Levine, Palma, Rose, Vallone, Mendez Koslowitz, Ulrich**

A LOCAL LAW to amend the New York City Administrative Code in relation to spaying, neutering and licensing of animals sold in pet shops.

THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS

SUMMARY OF THE PROPOSED LAW

Spay and Neuter Requirements

The proposed legislation would amend chapter 8 of title 17 of the New York City Administrative Code to expand the types of animals sold in pet stores that must be spayed or neutered by a licensed veterinarian before released to a consumer (unless a letter and certification is received by the pet shop from a licensed veterinarian rendering a professional opinion that the animal should not be sterilized until a later date). Currently, cats and dogs are covered by City law; this bill would encompass rabbits, guinea pigs and “any other animal designated by rule by the [Department of Health and Mental Hygiene]” that are 8 weeks of age or older.

The proposed legislation would also expand Section 17-804(c) of the Administrative Code to provide that every pet shop must maintain records of all sales of, sterilization procedures and veterinarian letters/certifications received pursuant to the Code’s spay/neuter requirements for a period of five years.

Licensing Requirements

The proposed legislation would add new Section 17-814 to the Administrative Code to provide that a pet shop cannot sell or release a dog to a purchaser or adopter unless the person first completes an application for a dog license and pays the dog license fees.¹ The pet shop would then be required to forward the completed application and license fees to the Department, unless the purchaser or adopter provides the pet shop with a written statement that the dog to be purchased or adopted will not be harbored in the City. Every pet shop operator would have to, on at least a monthly basis, report to the Department (on a form provided by the Department)

¹ Existing law provides that all persons who own or possess a dog in New York City must obtain a dog license for such dog. Rules of the City of New York § 161.04(a). *See also* N.Y. AGRIC. & MKTS. LAW § 109.

information on all dogs which have been sold and adopted, indicating for each dog whether or not the pet shop submitted a license application to the Department. The form would include the name and address of the dog's purchaser or adopter, the license or license application number (if known), as well as any other descriptive information about the dog as the Department may require.

Animal Shelters Excluded

The proposed legislation also provides a definition for "animal shelter"² in Section 17-802(h). Animal shelters are specifically excluded from the definition of "pet shop" in Section 17-802(e) and therefore not subject to the licensing and sterilization requirements of the proposed legislation.³

THE COMMITTEE SUPPORTS THE PROPOSED LEGISLATION

Spay and Neuter

Section 17-804 of the City's Administrative Code requires pet shops to sterilize all dogs and cats prior to purchase by a consumer (unless a letter and certification is received by the pet shop from a licensed veterinarian rendering a professional opinion that the animal should not be sterilized until a later date).⁴ Until the enactment of A.740-A/S.3753-A (the "Preemption Bill"),⁵ the City was precluded from enforcing this law due to preemption language in the New York State Pet Dealer Law which prevented municipalities from enacting pet dealer laws that are more stringent than those provided by state law. With the passage of the Preemption Bill, the City and all New York State municipalities are now able to enact and enforce laws that more strictly regulate pet dealers within their localities, including laws mandating the spay and neuter of animals sold by pet stores to consumers.

New York City has long recognized the importance of spaying and neutering as a way to control the City's rampant animal overpopulation problem and ultimately lower the number of homeless animals entering the City's animal shelter system. Although dogs and cats make up the majority of lost, strayed and abandoned animals in New York City, rabbits also comprise a large

² The term "animal shelter" is defined under the proposed legislation to mean "a not-for-profit facility holding a permit in accordance with §161.09 of the New York City Health Code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals."

³ Sections 17-804 and 161.23 of the New York City Health Code prohibit (with limited exception) a full-service shelter or other licensed shelter from releasing a dog or cat to a person claiming ownership thereof or to a person adopting such dog or cat, unless the animal has been sterilized by a licensed veterinarian. These City laws are far more stringent than the requirements set forth in Section 377-a of the New York Agriculture and Markets Law which do not even apply to the reclamation of dogs and cats by their owners and authorize the adoption of dogs and cats from designated entities prior to sterilization provided the adopter has signed an agreement to have the animal spayed or neutered within a specified amount of time and leaves a deposit of not less than \$35.

⁴ NYC Administrative Code §§ 17-804(b), 17-802(e)-(f).

⁵ NYS L. 2013, Chp. 553

number of these lost, strayed and abandoned animals and are able to reproduce in significant numbers in short periods of time.⁶ Thus, for the same reasons that sterilization of dogs and cats sold by pet stores to consumers is necessary to reduce dog and cat overpopulation and shelter intake in New York City, mandatory sterilization of rabbits sold by pet stores to consumers is also necessary to reduce rabbit overpopulation and shelter intake.

Licensing

Section 17-814 of the proposed legislation would provide the City with a new means of enforcing the requirement to obtain a dog license. Under current law, a dog license must be obtained by every person who owns, possesses, keeps, harbors, adopts, purchases, or cares for a dog in New York City for each dog owned, possessed or controlled by such person.⁷ Despite the law, a low percentage of City dog owners actually obtain licenses for their dogs.⁸ By requiring a pet shop to collect a dog license application and fee before it can sell or release a dog to a purchaser or adopter and then transmit the application and fee to the Department, Section 17-814 would help enforce the dog license requirement while also increasing funding to the Animal Population Control Fund.⁹

RECOMMENDATIONS

We note that although dogs, cats, and rabbits enter the City's animal shelter system in significant numbers,¹⁰ smaller animals such as guinea pigs do not present a significant overpopulation problem and are not burdening the City's animal shelter system. Further, the spaying or neutering of such small animals is potentially dangerous and uncommon.¹¹ For these reasons, we recommend that the spay/neuter requirements of Int. No. 136 be amended to exclude guinea pigs and other small animals (accordingly, we recommend that the language, "any other animal designated by rule by the department" be removed).

⁶ Rabbits are the third most commonly abandoned animal in the United States. See House Rabbit Society, at <http://www.rabbit.org/journal/4-9/bridges.html> (last visited April 20, 2014). Rabbits reach sexual maturity by 3-6 months of age and can produce a litter of 6-12 rabbits every three months. See Dana Krempels, Ph.D., *Why spay or neuter my rabbit? Some Scary Numbers*, House Rabbit Adoption, Rescue and Education, Inc., at <http://www.bio.miami.edu/hare/scary.html> (last visited April 20, 2014). See also "The Easter Bunny Problem," Pet Media Group, Inc., Mar. 29, 2013, at <http://www.tailsinc.com/2013/03/the-easter-bunny-problem-infographic/> (last visited April 20, 2014).

⁷ See FN 1, supra.

⁸ See <http://www.wnyc.org/story/264283-nyc-dogs-small-unlicensed-and-sometimes-named-jeter/> (reporting that the Department estimates that only one in five dogs in the City are licensed) (last visited Apr 19, 2014); and <http://newyork.cbslocal.com/2010/09/28/health-dept-80-of-nyc-dogs-not-licensed/> (reporting that 80% of dogs in the City are not licensed) (last visited Apr 19, 2014).

⁹ See New York City Health Code §29-01.

¹⁰ See <https://www.nycacc.org/Statistics.htm> (last visited Apr 19, 2014).

¹¹ See <http://www.cavyspirit.com/neutering.htm> ("Neutering a guinea pig inherently carries more risk than neutering cats, dogs or other larger animals. The guinea pig is smaller, the operation is complicated by the nature of the scrotal area and open inguinal canal. They are harder to surgically prepare. They are more susceptible to anesthesia reactions, stress, and post-op infections.") (last visited Apr 19, 2014).

Veterinarian and humane organizations agree that spay/neuter procedures for dogs or cats can safely be performed as early as 8 weeks of age.¹² In addition to meeting the age requirement, a dog or cat should be at least 2 pounds in weight before being spayed or neutered.¹³ Therefore, we recommend that the spay/neuter requirements in Int. No. 136 should apply to any dog or cat that is at least 8 weeks of age and at least 2 pounds in weight. In the case of rabbits, however, spay/neuter procedures have been found to be too risky if the animal is younger than four months old.¹⁴ Therefore, we recommend that the spay/neuter requirements in Int. No. 136 as they pertain to rabbits should apply only when the rabbit is at least four months old.

Lastly, we have serious concerns about the appropriateness of the exception set forth in Section 17-804 of the City's Administrative Code whereby the sterilization of a dog, cat or rabbit prior to sale by a pet store "shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian . . . stating the reason(s) why, in the opinion of such veterinarian, such dog, cat or other animal, should not be sterilized until a later specified date . . ." Such an exception is not narrowly tailored to require that the veterinarian's medical opinion be based on the best health or welfare interests of the animal in question following a medical examination of the animal. Indeed as a practical matter, it is unclear how a veterinarian would have the opportunity to examine an animal offered for sale by a pet store prior to purchase by a consumer. For these reasons we recommend that Section 17-804 be amended to either remove this exception or make clear that any such exception may only be based on a letter from a licensed veterinarian who has examined the animal in question within the last 15 days and issued a medical opinion recommending deferred sterilization based on his or her professional experience and the best interest of the health or welfare of the animal in question.

CONCLUSION

For the aforementioned reasons, the Committee supports the proposed legislation subject to the recommendations discussed above.

April 2014

¹² Vet Med Today: Special Report "The Association of Shelter Veterinarians Veterinary Medical Care Guidelines for Spay-Neuter Programs", JAVMA, Vol. 233, No. 1, Jul 1, 2008; Vet Med Today: Reference Point "Determining the Optimal Age for Gonadectomy of Dogs and Cats" JAVMA, Vol. 231 No. 11, Dec. 1, 2007; at <http://www.aspcapro.org/resource/shelter-health-animal-care/pediatric-spayneuter> (last visited Apr 21, 2014).

¹³ *Id.*; see also "Why Spay or Neuter," ASPCA, at <http://www.petfinder.com/dogs/dog-health/why-spay-or-neuter> (last visited Apr 21, 2014).

¹⁴ *Spaying and Neutering*, House Rabbit Society, at <http://rabbit.org/faq-spaying-and-neutering> (last visited Apr 19, 2014); *Spaying or Neutering Your Pet Bunny*, My House Rabbit, http://www.myhouserabbit.com/tip_spayneuter.php (last visited Apr 19, 2014).

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REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

Int. No. 0146-2014

**Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine,
Rose, Vallone, Mendez and Ulrich**

A LOCAL LAW to amend the New York City Administrative Code in relation to the microchipping of dogs and cats sold in pet shops.

THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS

SUMMARY OF LEGISLATION

The proposed legislation would amend chapter 8 of title 17 of the New York City Administrative Code to provide that no pet store may release a dog or cat to a consumer unless (1) such dog or cat has been be microchipped by a licensed veterinarian; (2) the pet store has registered such animal's microchip with the consumer's contact information; and (3) the pet store has provided the consumer with written usage instructions for the microchip acknowledged by signature by the consumer. The proposed legislation would also require that the pet store maintain a record of the usage instructions and consumer acknowledgement accompanying each pet sale for a period of five years.

JUSTIFICATION

Currently, the City of New York requires licensing of dogs as a method of identifying a pet's owner.¹ Unfortunately, not all owners comply with this requirement, and even if an owner complies with this requirement, not all owners physically maintain the license information on their pet (such as on a collar) so that the animal could be identified when not in the owner's care. Microchipping is one of the best ways to increase a pet's chances of being reunited with his or her family in the event that the pet is lost or stolen.

Microchipping is a simple process in which a veterinarian injects a 12mm microchip, about the size of a grain of rice, beneath the surface of the animal's skin between the shoulder blades. The process is similar to a routine vaccination and no anesthetic is required.² The

¹ Existing law provides that all persons who own or possess a dog in New York City must obtain a dog license for such dog. Rules of the City of New York § 161.04(a). *See also* N.Y. AGRIC. & MKTS. LAW § 109.

² "How Microchipping Works," Home Again Co., *available at* <http://public.homeagain.com/how-pet-microchipping-works.html> (last visited April 22, 2014).

microchip is then registered with the microchip manufacturer or another microchip registering company,³ which will then maintain the owner's contact information for use in the event that the pet is separated from the owner. The microchip, unlike dog tags and collars which can fall off or be removed, provides unique identification code that cannot be altered or removed, except by surgery, and has no internal energy source, so it will last the life of the animal in which it is injected. The microchip is read by passing a microchip scanner over the pet's shoulder blades. Activated and currently registered microchips may be identified by a scanner and can provide owner contact information in the event that a pet is lost.

Including microchipping as a legal requirement for dogs and cats purchased from pet shops in addition to the existing licensing requirement for dogs in the city of New York will (1) increase the chances of lost and stolen pets being reunited with their owners, thus reducing the population of stray animals in city-maintained shelters and, as a consequence, euthanasia rates and (2) deter abandonment of pets by owners into the city streets, pet abuse and the use of certain dog breeds in dogfighting by pet owners because the owners of these abandoned, abused and injured pets can easily be identified and thus, where responsible, may face consequences such as fines or jail.

Currently, several cities in California and Texas make microchipping of dogs and cats mandatory.⁴

RECOMMENDATIONS

We recommend that the proposed legislation be amended to clarify that the mandatory microchip registration by the pet store prior to sale be effectuated by the pet store with a bonafide microchip registering company.

We also recommend that the proposed legislation be amended to clarify that the usage instructions to be provided to the consumer by the pet store shall include the usage instructions provided by the manufacturer/registering company for the microchip implanted in the animal and shall include such company's contact information as well as information regarding the necessity of maintaining current microchip registration and pet owner contact information with a microchip registering company.

Finally, we recommend that the proposed legislation be amended to increase the period in which the pet store must maintain the record of the usage instructions and consumer acknowledgement accompanying each pet sale. Given that the vast majority of dogs and cats sold by pet shops are puppies and kittens with a life span of more than five years, it is sensible to increase the record retention period to a time span that more closely tracks the animal's life span.

³ Microchips are "universal" in the sense that any brand of microchip may be registered by any registering company and with multiple registering companies. See *5 Things You Didn't Know About Microchips*, available at <http://blog.adoptandshop.org/5-things-you-didnt-know-microchips/> (last visited April 22, 2014).

⁴ See e.g., Riverside Municipal Code, §8.21.030, Santa Cruz County Code §6.08.005, El Paso City Code §7.12.020.

CONCLUSION

For the aforementioned reasons, the Committee supports the proposed legislation and urges the Council to amend Intro. No. 0146-2014 in accordance with the above recommendations.

April 2014



Hearing before the New York City Council's Committee on Health

April 30, 2014

Good afternoon. My name is Steve Gruber and I am testifying on behalf of the Mayor's Alliance for NYC's Animals.

Chairman Johnson, Council Member Crowley and members of the Health Committee, thank you for this opportunity to testify on Int. Nos. 136 and 146, all local laws to amend chapter 8 of title 17 of administrative code of the city of New York

We thank the Council for acting so quickly after Governor Cuomo signed into law in January of this year a bill allowing municipalities throughout New York to enact local laws regulating pet stores within their jurisdictions.

The Mayor's Alliance for NYC's Animals, a 501(c)(3) non-profit charity, is the sole umbrella organization for animal welfare in NYC. Since 2003, we have been working with our coalition of 150+ rescue groups and shelters to find homes for thousands of New York City's dogs and cats. Our goal is to transform New York City into a no-kill community by 2015, where no dogs or cats of reasonable health or temperament are killed simply because they do not have homes.

While we work collaboratively with the City of New York, we are a 501(c)(3) charity and do not receive any government funding, nor are we a City agency.

The Alliance supports with recommendations Intro No. 136 and Intro No. 146 because we believe that pet stores should be required to ensure that the dogs and cats and rabbits who they sell to the general public do not contribute to the city's existing overpopulation problem, can be easily identified if lost and do not by these sales burden NYC taxpayers and the City shelter.

The Alliance supports the enactment of Intro 136 re: the spaying and neutering and licensing of animals sold in pet shops with the following recommendations:

The Council has long recognized the importance of spaying and neutering as a way to control the city's animal overpopulation problem and ultimately lower the number of homeless animals entering the City's animal shelter system. Under the present spay neuter law passed by the Council 14 years ago, with certain exceptions, animals adopted from NYC animal shelters are required to be spayed or neutered before their release, even in the instance of an owner reclaiming his or her dog or cat.

This requirement to spay and neuter would also have applied 14 years ago to puppies and kittens sold in pet stores but for an injunction secured by the pet store lobby which argued that NYS law regulating pet stores preempted the NYC law. This argument is thankfully no longer available to the pet store lobby. It is interesting to speculate how much further we would be in our goal to be a no kill city if the puppies and kittens sold at a profit by pet stores had been obligated to spay and neuter their puppies and kittens.

1. We support the amendment of the City code to expand the pet store sterilization requirement to include rabbits, but suggest that the reference to guinea pigs and other small animals be eliminated insofar as they do not present a serious overpopulation issue and generally are not sterilized for safety reasons. We applaud the inclusion of rabbits for mandatory sterilization as they are the third largest group of animals entering the city's animal shelters after dogs and cats and therefore place a significant burden on the resources of the city and its shelters.
2. We recommend that the exception in the bill, which permits pet stores to release unsterilized animals with a letter from the consumer's veterinarian stating that the animal should be sterilized at a later date, be eliminated. As a practical matter, it is unclear how a veterinarian would have the opportunity to examine an animal prior to sale upon which a determination could be made for future sterilization.
3. We recommend that the bill be amended to require that all puppies and kittens who are at least 8 weeks of age and at least 2 pounds in weight must be sterilized prior to sale. The law presently requires only that the dogs and cats be at least 8 weeks of age.
4. In the case of rabbits, we strongly suggest that the bill be amended to include a mandatory sterilization age of at least 4 months as recommended by rabbit experts for the health and safety of the rabbits.

Intro 136 also requires pet stores to license dogs before they are released to consumers. We support this provision of the bill as a means to further enforce the City licensing laws as well as increase funding to the Animal Population Control Fund. In addition, increased licensing will help get lost dogs who end up in the city shelter home quicker and reduce the burden on the city shelter.

The Alliance believes that both with respect to the expanded spay/neuter requirements as well as the new licensing provisions, the law does not place an undue burden on the pet stores, particularly in light of the fact that their business potentially contributes to homeless animal overpopulation in the city.

The Alliance supports the enactment of Intro No. 146 re: microchipping animals sold in pet shops with the following recommendations:

The Alliance supports Intro 146 as a means of strengthening the city's ability to identify dogs and cats who may become lost, strayed or stolen. This will have a further positive effect on the city's shelters by increasing the chances of these animals being reunited with their guardians. The committee believes that this is a reasonable burden to place on pet stores since these stores are responsible for placing a large number of dogs and cats with NYC consumers.

We do offer the following recommendations however:

1. Amend the bill to clarify that the mandatory microchip registration by the pet store must be with a bona fide microchip registering company and that the usage instructions from the company be provided to the consumer.
2. Amend the bill to increase the period of time in which the pet store must maintain the records of the microchipping to more than the 5 years presently in the bill.

Thank you.



AMERICAN KENNEL CLUB®

April 30, 2014

Re. AKC Concerned With Provisions in Introduction No. 55

Dear Chairman Johnson and Members of the New York City Council Committee on Health:

The American Kennel Club respectfully submits some concerns with Introduction No. 55, which seeks to regulate “pet shops” in New York City. We ask that you consider these concerns and not allow the measure to advance as currently written.

As you may know, the American Kennel Club (AKC), headquartered in Manhattan, is an internationally-recognized not-for-profit organization devoted to the advancement and wellbeing of dogs for more than 130 years. The mission of the AKC is to advocate for dogs as family companions, to advance canine health and well-being, to protect the rights of all dog owners, and educate the public about responsible dog ownership.

There are several provisions in Introduction No. 55 that we agree are important to protect the health and welfare of dogs, and the rights of New York City residents who purchase a puppy. We have a few concerns, however, with some portions of this measure.

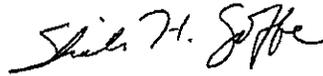
Our specific concerns include the following:

- **Introductory measures # 136, # 73 and # 55 define *anyone* who transfers a pet in New York City as a pet store**, including the many small hobby breeders and dog enthusiasts who participate in dog shows and other educational canine events such as AKC’s *Meet the Breeds* and *The Westminster Kennel Club Dog Show*. It is unreasonable to consider hobbyists and home-based breeders who raise and sell an occasional high-quality pet a “pet store” and to require them to comply with the same requirements as large commercial operations.
- **Introductory measure #55 would require on-site veterinary visits to those who raise dogs in their homes**. The AKC agrees with many of the standards of care outlined in this measure, which would ensure dogs are kept in sanitary, healthy environments. We are concerned, however, about the requirement that a veterinarian must make “regular visits to the pet shop’s premises”. This could prove extremely difficult for those who raise dogs in their homes.
- **Introductory measure #55 contains a problematic definition of “high volume breeder”**. “High volume breeder” includes those who have an “ownership interest or custody of one or more breeding females” and sell over 50 dogs, or those who have “an ownership interest in...” 20 or more breeding females. This language is overly broad and may define a person as a “high volume breeder” based on ownership of dogs, even if the owner is engaged in little or no breeding activity. It further does not take into account co- and joint ownerships common among dog owners, dog show participants, hunting club members, sporting dog trainers and other hobbyists. This would hurt many small hobby breeders who keep or breed only a few dogs in their homes by subjecting them to commercial standards of regulation as a result of co-ownership agreements with other small breeders.

The American Kennel Club and our local New York City dog clubs would welcome the opportunity to work with you to address your concerns while still protecting the health of dogs and the rights of responsible New York City dog enthusiasts. Please do not hesitate to contact me or the AKC Government Relations team at 212-696-8200 ext. 3720 if you have questions or we may be of assistance in developing alternative solutions to your concerns.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila H. Goffe". The signature is written in a cursive style with a large, stylized initial 'S'.

Sheila Goffe
Director, Government Relations



AMERICAN KENNEL CLUB®

April 30, 2014

Re. AKC Opposes Introduction No. 136

Dear Chairman Johnson and Members of the New York City Council Committee on Health:

The American Kennel Club respectfully urges you to not advance Introduction No. 136 as currently written. This measure defines *any* individual who transfers a pet in New York City as a “pet store” and requires that the animal be sterilized before the new owner takes custody of it.

Introduction No. 136 violates the rights of responsible New York City dog owners, breeders or enthusiasts who wish to purchase a well-bred show dog or other intact pet. Furthermore, it could have an extremely detrimental impact on the long-term health of New York City dogs.

As you may know, the American Kennel Club (AKC), headquartered in Manhattan, is an internationally-recognized not-for-profit organization devoted to the advancement and wellbeing of dogs for more than 130 years. The mission of the AKC is to advocate for dogs as family companions, to advance canine health and well-being, to protect the rights of all dog owners, and educate the public about responsible dog ownership.

Our specific concerns include the following:

- **Introductory measures # 136, # 73 and # 55 define anyone who transfers a pet in New York City as a pet store**, including the many small hobby breeders and dog enthusiasts who participate in dog shows and other educational canine events such as AKC’s *Meet the Breeds* and *The Westminster Kennel Club Dog Show*. It is unreasonable to consider hobbyists and home-based breeders who raise and sell an occasional high-quality pet a “pet store” and to require them to comply with the same requirements as large commercial operations.
- **Introductory measure # 136 mandates the sterilization of animals prior to transfer**. New scientific studies increasingly demonstrate that juvenile sterilization has long-term harmful impacts on the health of the animal. The American College of Theriogenologists, for example, states that spaying and neutering “prior to puberty or sexual maturity may make the risks of some diseases higher in certain breeds or individual [dogs; therefore], the option to leave an animal intact must be available to the pet owner.”¹
- **Mandatory spaying and neutering has damaging impacts on local communities** – These laws can generate significant economic and safety issues for a community. Many cities that have enacted mandatory spay/neuter laws have seen a significant increase in their animal control budget costs. *Dallas, Texas, for example, saw a 22 percent increase in animal control costs and*

¹ American College of Theriogenologists. “Basis for Position on Mandatory Spay-Neuter in the Canine and Feline.” <http://www.theriogenology.org/displaycommon.cfm?an=1&subarticlenbr=59>

an overall decrease in basic licensing after enacting mandatory spay/neuter policies in 2008. Unfortunately, some owners either choose to ignore animal control laws entirely, or give their pets to the public shelter to be cared for at the taxpayers' expense rather than pay for expensive sterilization surgery or breeder permits.

According to the American Veterinary Medical Association (AVMA), some owners also opt to avoid rabies vaccinations and other general veterinary care in order to hide their lack of compliance with MSN laws.

- **Mandatory sterilization eliminates the opportunity for New York City residents to purchase a high quality pet or show dog from a responsible NYC breeder.** Some of the world's leading dog breed experts reside in New York City. However, this law would force New York City residents who wish to purchase a quality intact purebred dog to participate in AKC dog events to seek options outside of the city. In the same way, those humanely raising intact dogs in the city will not be permitted to sell even one dog to New York City residents.

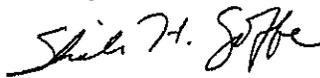
It is unfair to assume that all owners of intact animals are the cause of animal population concerns in the community. Many choose to own an intact dog in order to participate in AKC dog shows, which generate millions of dollars for New York City businesses and encourage and promote responsible dog ownership each year.

Low cost spay/neuter clinics and public education programs designed to help citizens make responsible decisions before acquiring a pet and to help them care for those they own are a much more effective solution.

The American Kennel Club and our local New York City dog clubs would welcome the opportunity to work with you to address your concerns while still protecting the health of dogs and the rights of responsible New York City dog enthusiasts. Please do not hesitate to contact me or the AKC Government Relations team at 212-696-8200 ext.3720 if you have questions or we may be of assistance in developing alternative solutions.

Thank you for your consideration.

Sincerely,



Sheila Goffe
Director, Government Relations



AMERICAN KENNEL CLUB

April 30, 2014

Re. AKC Concerned With Definition of “Pet Shop” in Introduction No. 146

Dear Chairman Johnson and Members of the New York City Council Committee on Health:

The American Kennel Club respectfully writes on behalf of the many responsible dog owners and hobbyists in New York City to request that you revise the definition of “pet shop” in Introduction No. 73.

As you may know, the American Kennel Club (AKC), headquartered in Manhattan, is an internationally-recognized not-for-profit organization devoted to the advancement and wellbeing of dogs for more than 130 years. The mission of the AKC is to advocate for dogs as family companions, to advance canine health and well-being, to protect the rights of all dog owners, and educate the public about responsible dog ownership.

We believe that pet identification is an essential aspect of responsible dog ownership. Our affiliate organization AKC Reunite is the largest not-for-profit pet ID and recovery service in North America. Since 1995, the organization has helped reunite over 400,000 pets with their owners and over 5 million pets representing over 35 different species are enrolled in our identification and recovery program. We also have a national microchip database and 24/7 hotline to assist in helping reunite lost pets and their owners.

Our concern with Introductory No. 73 is that it defines *anyone who transfers a pet in New York City as a pet store*, including the many small hobby breeders and dog enthusiasts who participate in dog shows and other educational canine events such as AKC’s *Meet the Breeds* and *The Westminster Kennel Club Dog Show*.

We do not believe this definition of “pet store” should be in City Code. It is unreasonable to consider hobbyists and home-based breeders who raise and sell an occasional high-quality pet a “pet store” and to require them to comply with the same requirements as large commercial operations.

The American Kennel Club and our local New York City dog clubs would welcome the opportunity to work with you to address your concerns while still protecting the health of dogs and the rights of responsible New York City dog enthusiasts. Please do not hesitate to contact me or the AKC Government Relations team at 212-696-8200 ext. 3720 if you have questions or we may be of assistance in developing alternative solutions.

Thank you for your consideration.

Sincerely,

Sheila Goffe
Director, Government Relations



AMERICAN
KENNEL CLUB®

April 30, 2014

Re. AKC Concerned With Definition of “Pet Shop” in Introduction No. 73

Dear Chairman Johnson and Members of the New York City Council Committee on Health:

The American Kennel Club respectfully writes on behalf of the many responsible dog owners and hobbyists in New York City to request that you revise the definition of “pet shop” in Introduction No. 73.

As you may know, the American Kennel Club (AKC), headquartered in Manhattan, is an internationally-recognized not-for-profit organization devoted to the advancement and wellbeing of dogs for more than 130 years. The mission of the AKC is to advocate for dogs as family companions, to advance canine health and well-being, to protect the rights of all dog owners, and educate the public about responsible dog ownership.

Introductory No. 73 defines *anyone who transfers a pet in New York City as a pet store*, including the many small hobby breeders and dog enthusiasts who participate in dog shows and other educational canine events such as AKC’s *Meet the Breeds* and *The Westminster Kennel Club Dog Show*.

While we do not have a position on the purpose of this measure, we do not believe this definition of “pet store” should be in City Code. It is unreasonable to consider hobbyists and home-based breeders who raise and sell an occasional high-quality pet a “pet store” and to require them to comply with the same requirements as large commercial operations.

The American Kennel Club and our local New York City dog clubs would welcome the opportunity to work with you to address your concerns while still protecting the health of dogs and the rights of responsible New York City dog enthusiasts. Please do not hesitate to contact me or the AKC Government Relations team at 212-696-8200 x3720 if you have questions or we may be of assistance in developing alternative solutions.

Thank you for your consideration.

Sincerely,

Sheila Goffe
Director, Government Relations

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON HEALTH
APRIL 30, 2014 1:00PM

Good afternoon. My name is Edward Wallace. I am Chair of the New York office of Greenberg Traurig and we represent PetSmart. I would like to thank the Chair and the Committee on Health for giving us the opportunity to provide testimony today regarding Int. 55, 73, 136 and 146. PetSmart, the largest retailer of pets and pet supplies in the United States, is an industry leader in issues regarding caring for pets and animals in general. While we will share some technical concerns with these bills, PetSmart applauds the Council's efforts to protect animals in New York City.

PetSmart has a strong presence in New York City. In Brooklyn, Manhattan and Staten Island, PetSmart employs 210 knowledgeable and passionate associates. PetSmart values the New York communities where we live and work, and is dedicated to giving back.

We note that PetSmart does not sell dogs or cats or rabbits, but through its in-store pet adoption partnership with PetSmart Charities, PetSmart has helped save the lives of more than 5 million cats and dogs nationwide since 1994. PetSmart Charities is an independent, non-profit organization that works to save the lives of homeless pets and reduces shelter intake through spay and neuter efforts. PetSmart Charities is also the leader in granting money to help pets in need, with more than \$28 million given in 2012 throughout North America. In 2012, nearly

450,000 dogs and cats found homes through the organization's adoption centers in PetSmart stores and by sponsoring community adoption events.

As for other pets—small furry mammals, reptiles, fish, and birds—PetSmart is a trusted resource for those pet parents who want to purchase a healthy pet. The company maintains this distinction by establishing industry-leading standards and closely overseeing every step in the sourcing process. PetSmart plays a critical role in ensuring that the pets in its stores are healthy and receive high quality care, even before they reach PetSmart's stores. All pet vendors that work with PetSmart must meet the high standards set by PetSmart. PetSmart requires that all pet vendors be licensed with the USDA unless exempt from licensing. Those that are exempt must still conform to the same standards of animal care covering humane handling, housing, space, feeding and watering, sanitation, ventilation, shelter from extremes of weather, adequate veterinary care, separation of animals by type, transportation, and handling in transit. While USDA licensing and standards are required as a minimum, there are additional recommendations that PetSmart endorses to enhance the animals' health, well-being and suitability as pets.

PetSmart also provides high quality care for pets while they are in PetSmart's New York City stores and stores around the country. PetSmart's New York City associates, and thousands more throughout the United States, must complete education and training programs, and know how to provide the highest standards of care for pets in their stores, every moment of every day. And PetSmart continues to help with the care of these pets well after they reach their new home—PetSmart associates are always available to help our pet parents with any concerns about their pet. PetSmart is dedicated to helping pet parents choose the right pets for their homes. PetSmart

only provides pets that they believe make good and appropriate family members. Their associates may refuse to sell a pet to a customer if they have any concerns about the customer's ability to care for the pet.

PetSmart is a responsible retailer who makes space in its stores available for adoptions at no charge to the adoption partners. PetSmart is concerned that certain sections of the bills, as they are currently drafted, could make it more difficult to facilitate adoptions—and we believe this is not what the Committee intends. As written, Int. 55 prevents those “in any pet shop” from “give[ing] away or transferring” any dog or cat obtained from a puppy mill. A homeless dog or cat put up for adoption by a reputable shelter partner should not be denied the opportunity for a home due to the fact that it was born in a mill. Clearly, those animals need homes too.

Furthermore, PetSmart could not provide the resources to its shelter adoption partners that it now does, if it were required to determine the origin of a pet, to sterilize it, research the record of transfers, obtain the individual license, or micro-chip—as required under Int. 146—the animals that are offered for adoption by our adoption partners. We believe that these responsibilities are best left with our adoption partners. We understand the Council’s concerns on this issue and are working with our adoption partners to assure that all animals are spayed or neutered before they are made available for adoption.

In addition, PetSmart has concerns with the expansion of the definition of “petshop” to all places where “live animals” are sold in Int. 55, 73, 136 and 146. PetSmart is not currently covered under the definition of a “petshop” in the Administrative Code. It is PetSmart’s understanding that the Committee’s present interest is in stores that sell dogs, cats and rabbits—animals that

PetSmart does not sell. To impose the obligations that come with being a “petshop” under these bills upon PetSmart would place an undue burden on PetSmart. PetSmart believes that the bills presented today do not intend to impose these obligations and we look forward to working with the Committee on language that will clarify the intent of the bills.

Further, PetSmart has concerns about the feasibility of Int. 136’s requirement that all guinea pigs be sterilized and all sales of guinea pigs be recorded. PetSmart cannot source sterilized guinea pigs, and the cost of sterilizing guinea pigs in-store would be prohibitive. In addition we believe the delegation of authority to the Department of Health is legally overbroad and ill-advised from a policy perspective. This City Council should determine which animals and animal sellers are covered by the law.

Chairman Johnson, and the entire Committee, I thank you for your attention to this important issue. In closing, I want you know that PetSmart is constantly working to determine ways in which it can improve or change its practices, all in the best interest of pets. At PetSmart, nothing is more important to us than the well as the well-being of the pets in their care. We believe the Committee shares our commitment to pets and we look forward to working with the Committee and the Council to improve the quality of life of all of the City’s residents—large and small. We will provide a written summary of PetSmart’s suggestions on modifying these bills in the coming days.

PETLAND DISCOUNTS

"THE COMPLETE PET SHOP"

355 Crooked Hill Road
Brentwood, NY 11717
(631) 273-6363
Fax (631) 273-8975

LOCATIONS:
NEW YORK
NEW JERSEY
CONNECTICUT

April 28, 2014

Re: Introduction #136

Dear Council Members,

My name is Patricia Rose, Senior VP of Petland Discounts and I am here today with Tina Dolce, our VP of the Livestock Division. Together we have 54 years of experience working for Petland Discounts. We currently operate 65 locations in the city and boroughs of NY and have been doing business here for the past 49 years. WE DO NOT SELL DOGS OR CATS, but do sell small animals which include Guinea Pigs and Rabbits.

While well intended, this legislation has been founded on the emotion of a few and is not hearing the voice of many. I think I can safely say as a pet person that if one animal is abandoned on the streets of NY that it is one too many. I just disagree with how to go about correcting the problem.

The American Veterinary Medical Association (www.AVMA.org/Advocacy/StateAndLocal/Pages/sr-spay-neuter-laws) has a statement on their website that reads "The AVMA does not support regulations mandating spay/neuter of privately owned, non-shelter dogs and cats. Although spaying and neutering helps control dog and cat populations, mandatory approaches may contribute to pet owners avoiding licensing, rabies vaccination and veterinary care for their pets." Sometimes we feel we are fixing a problem, when all we are doing is trading it for a bigger one.

There are many options out there including public education, higher licensing fees for pets not sterilized and more programs like the Toby Project and ASPCA low cost spay and neuter clinics. Low cost training programs for dogs may prevent so many of them from winding up in shelters. But spaying/neutering is a personal decision for a pet owner that is paying for a pet, not one that should be decided by this board.

Finally, the inclusion of rabbits, guinea pigs and any other animal that is designated by rule by the department is a bit of a broad description. A case for spaying a rabbit can be made, but by the time the animal can be safely sterilized, it will be a young adult. Guinea pigs are a different story. Sterilizing a guinea pig inherently carries more risk than dogs or cats. They are more susceptible to stress, post-op infection and more likely to have a fatal anesthesia reaction. And again, is this something that should be decided by this board?

Petland Discounts is currently voluntarily working with rabbit rescuers and various dog and cat organizations to promote the adoption of unwanted pets and will continue to do so. We are willing to work to find solutions to the overpopulation problems, but strongly feel this is not a legislative issue.

Thank you for your time.



Patricia Rose
Petland Discounts
Senior V.P.
prose@petlanddiscounts.com



PETA Public Comment
 Introductions Nos. 55, 73, 136, and 146
 Regarding the Regulation of Pet Shops in New York City
 New York City Council Health Committee Public Hearing
 April 30, 2014

PEOPLE FOR
 THE ETHICAL
 TREATMENT
 OF ANIMALS

Thank you, committee members, for considering four proposed amendments to the New York City Administrative Code in relation to pet shops. My name is Emily McCoy, and I represent PETA, the world's largest animal rights organization, with more than 3 million members and supporters, some 90,000 of whom are proud New Yorkers.

Washington, D.C.
 1536 16th St. N.W.
 Washington, DC 20036
 202-483-PETA

Los Angeles
 2898 Rowena Ave., #103
 Los Angeles, CA 90039
 323-644-PETA

Norfolk
 501 Front St.
 Norfolk, VA 23510
 757-622-PETA

Oakland
 528 Grand Ave.
 Oakland, CA 94610
 510-763-PETA

Info@peta.org
 PETA.org

We strongly support all four lifesaving measures that are being heard today: Introductions Nos. 55, 73, 136, and 146. Introduction No. 73 proposes to update the definition of “pet shop” within the Animal Abuse Registration Act by better defining the term and including consideration of the lives of all animals. PETA frequently fields disturbing complaints about pet shops that keep and sell sick and injured animals of all shapes, sizes, and species to unsuspecting customers; deprive many of the animals of the basic necessities of life, including vital species-specific necessities, and desperately needed veterinary care; and leave unsalable animals confined and isolated in back rooms, hidden from public view.

The “pet” trade industry is notorious for taking shortcuts at the expense of the animals whose sales it depends on. In addition to the substandard, deplorable factory farm–like conditions in which dogs, cats, rabbits, birds, guinea pigs, chinchillas, rats, mice, and so many other animals are bred, raised, shipped, and sold, each animal purchased from a pet shop goes to a home that could have gone to an animal in a shelter, which could mean a death sentence for the shelter animal.

Introduction No. 146 proposes requiring pet shops to identify the animals they sell by having them implanted with identification microchips by licensed veterinarians. Microchips help reunite beloved animal companions with their frantic guardians; help track animals with congenital defects back to a broker, breeder, puppy mill, etc.; encourage responsible guardianship; eventually reduce the number of animals taken into area shelters; identify the owners of animals maintained in violation of animal-protection laws and dangerous-dog regulations; and more.

Introduction No. 136 would require pet shops to sterilize animals and require purchasers to buy a valid animal license before ownership is transferred. The overpopulation of dogs and cats in the U.S. results in 6 to 8 million of them euthanized in animal shelters every year, often because no homes exist for them. A 2013 report states that 25 percent of the dogs entering animal shelters were purebred, produced by breeders and sold at pet stores. Sterilizing dogs and cats before sale would save the lives of countless animals in New York. Also, including small animals such as guinea pigs and rabbits in the measure is forward-thinking and crucial. Innumerable rabbits and guinea pigs are sold, given away, and abandoned every year, resulting in death—from neglect as well as

An international organization
 dedicated to protecting the
 rights of all animals.

Affiliates:

- PETA Foundation (U.K.)
- PETA Asia-Pacific
- PETA India
- PETA Germany
- PETA Netherlands

euthanasia—in homes and at overwhelmed animal shelters. These animals are prolific breeders and have special needs that are rarely met in inexperienced and uneducated homes. Their sterilization before sale will save countless lives.

Introduction No. 55 proposes to prohibit the sale of puppies and kittens bred in puppy and kitten mills. Dogs and cats used for breeding in puppy and kitten mills are bred repeatedly for years on end and warehoused in cramped, crude, and filthy conditions until they are no longer profitable. Investigations have shown time and time again that these operations confine dogs and cats—some by the *hundreds*—to outdoor kennels and hutches and repeatedly breed and inbreed unhealthy and unsocialized animals, including siblings and offspring, with each other and without regard for their welfare, health, or safety. Not only do breeding mills contribute to the animal homelessness and overpopulation crisis, they have also led to chronic genetic ailments in virtually every breed—there are more hereditary canine diseases (about 370) than there are dog breeds (about 350).

We strongly support and respectfully urge the committee to pass all four of these lifesaving measures, and we appreciate the opportunity to share our position.

Thank you.

**APRIL 30, 2014: HEARING OF THE CITY COUNCIL HEALTH COMMITTEE
STATEMENT OF ESTHER KOSLOW, PRESIDENT
SHELTER REFORM ACTION COMMITTEE
info@shelterreform.org**

Good afternoon. I'm Esther Koslow, President of Shelter Reform Action Committee.

First, I want to thank this Committee, its new chair Corey Johnson, and the entire City Council for signaling the start of a new day for the protection of our City's animals.

Our thanks also go to New York Assembly member Linda Rosenthal, without whose efforts this Council could not attempt to enact meaningful protections of pet shop animals amid what's been a puzzling patchwork of laws.

Shelter Reform previously expressed concerns about one of the bills, Int. No. 55. We urged that the "sourcing" provisions be tightened. Today other speakers will testify about requested changes to that bill.

I'm here to address the issue of how the pet shop bills, in whatever form they're passed, can and will be enforced. A Council aide confirmed that enforcement will fall to the City's Department of Health.

And therein lies the problem.

The Department of Health has no mandate to ensure animal health or wellbeing, but rather to protect people *from* animals. So whenever the Department must choose between allotting resources on safeguarding people's health *versus* that of animals, the choice is clear. People will always win out. The Health Department does a fine job ... for people. Not animals.

That's why in 1997 Shelter Reform sued for the creation of a Department of Animal Affairs to replace the Health Department's control over the City's animal shelters. The suit was dismissed because State law gives New York City's mayors absolute discretion to choose who has such control.

But the idea of a Department of Animal Affairs is being floated again. However, pet shop animals cannot wait for if and when such an agency is created. So what do we do now? Does anyone in this room honestly believe the Health Department will be vigorous and exacting in regulating pet shops? That it will not only inspect pet shop conditions, but also examine the various types of paperwork that the pet shop owners will be required to maintain?

And then we come to the issue of penalties. A Council staff aide also advised that the Health Department will propose them. Are we talking about fines? Or something like a restaurant grading system? Or both? Even if strong penalties are proposed, how can they serve as deterrents if there's no government agency committed to enforcing them?

Now the Health Department is being asked to take on even more responsibility for concerns that don't fall within its mandate.

We hope that one day there will be a City department devoted exclusively to animal welfare. Until then, it may be that the answer is for this Committee to vigilantly regulate the regulator (meaning the Health Department).

I'm confident we can figure this out together.

Shelter Reform Action Committee once again thanks this Committee for making the protection of animals one of its first pieces of business.

~~EXPLOITERS~~ FRIENDS of ANIMALS

Testimony of Edita Birnkrant, Campaigns Director for Friends of Animals, April 30th New York City Committee on Health in relation to opposing Intro 55.

Edita Birnkrant, Campaigns Manager
Friends of Animals
1841 Broadway, Suite 350
New York, NY 10023
Edita@friendsofanimals.org; 212.247.8120
www.FriendsofAnimals.org

My name is Edita Birnkrant, and I'm the Campaigns Director for Friends of Animals, (FoA) an international, non-profit animal advocacy organization founded in New York in 1957. FoA has led the effort to curb the pet overpopulation crisis by continually running the first nationwide, low-cost spay and neuter program for cats and dogs. Since our founding, we have facilitated over 2.6 million spay/neuter surgeries through this program.

I applaud the City Council for holding this hearing today on the four bills introduced relating to pet shops. These and other critically important issues affecting animals have been severely neglected by previous administrations and we're thrilled that they are being taken seriously now.

In regards to Intro 55, we do not support passage of this bill as it is currently written because it is not modelled on successful legislation that has already been written by the experts in the field and has passed into law in 35 cities including Chicago, Los Angeles, San Diego, Austin and Phoenix.

As Intro 55 is written now, it is a toothless piece of legislation that does not protect animals in inhumane breeding facilities in New York State and across the country. I have made copies of the specific model legislation I refer to that we would like Intro 55 to be based upon, and which I have stated, is already the law 35 other cities

This model legislation, written by the Companion Animal Protection Society (CAPS) has *prohibited*, absolutely, the retail sale of dogs and cats in pet shops *except for* animals that come from accredited rescue groups, humane societies or the municipal shelters. This means no

Edita Birnkrant, Campaigns Director, Friends of Animals

commercially bred dogs or cats are sold in pet stores. It's unconscionable that millions of adoptable pets are euthanized yearly in shelters while commercial breeders fill pet shops with dogs and cats.

FoA's Puppy Mill Campaign consultant is Carole Davis. Carole is also the West Coast Director of the Companion Animal Protection Society (CAPS). CAPS is the expert organization on breeding facilities and pet shops in the country and the only organization that exclusively investigates pet stores and the breeding facilities that supply them. And their investigative evidence is what's provided to the USDA to report violations of the law.

CAPS' West Hollywood, California ordinance banning the sale of pet shop puppies and kittens received worldwide media coverage and was the genesis for the now growing ordinance movement in both this country and Canada. There are ordinances banning the sale of pet shop puppies and kittens in California, Florida, Illinois, New Jersey, New Mexico, Texas and Canada.

I want to note that this law has *not* been unduly punitive to the pet shops in the cities it has become law. The real money in pet stores is not in the sales of the animals themselves, but in the return of the customers who will purchase products, pet food and other goods and services over the lifespan of their animals' lives. Pet Age—the pet shop trade's industry magazine—acknowledges this fact

In passing this model legislation we would save the lives of healthy, adoptable animals who are continually euthanized in our city shelters due to lack of adoptions. Let's get *those* animals into the pet shops and prohibit all commercially bred puppies and kittens from being sold. It's the right thing to do.

Albuquerque, N.M. banned the retail sale of dogs and cats in 2006 and has seen a marked, positive effect. Since the ban started, animal adoptions have increased 23 percent and euthanasia at city shelters has decreased by 35 percent.

We must end the supply of dogs and cats from breeding facilities, regardless of the number of animals they are selling and whether or not they are classified as dog or cat "mills." There is no city oversight committee qualified to enforce the provenance of the animals that come from these commercial breeding facilities. Smaller-scale breeders are often indistinguishable from puppy or kitten "mills" in regards to the inhumane conditions the animals endure and the lifelong health issues they suffer from.

We want to encourage leadership in NYC to have the political will to be as progressive as Los Angeles and Chicago on this issue. Not only does the model legislation we'd like to see Intro 55 based on act as animal protection bill, it's a consumer protection bill as well.

Edita Birnkrant, Campaigns Director, Friends of Animals

Around the country there have been tens of thousands of complaints to government agencies and humane societies against pet stores. Typically the pet stores are selling sick and diseased animals, diseases that are congenital that can be traced directly to inhumane breeding facilities.

An animal can sell for \$800-\$5,000 in a pet store but down the road with congenital diseases the animal can cost \$10,000-\$50,000 plus in veterinary bills. My office often gets calls from people who are unable to pay the vet bills that accumulate from pet store purchased animals that they had no idea had lifelong health problems.

New York City is the largest market for pet-factory animals in the country. Being the largest market means that stopping the flow of dogs and cats from breeding facilities to New York City will impact the flow across the country and have an enormous effect.

If the City Council truly cares about dogs and cats you would look to the ordinances that have been proven to work and model Intro 55 on that legislation—adding New York to the growing list of cities that have shut out the irresponsible breeders that sell animals to pet shops.

These ordinances are spreading like wildfire across the country and Canada. I encourage the City Council to base Intro 55 on the legislation that has been proven to work in 35 other cities and which truly protects dogs and cats.

Glendale, California, Code of Ordinances >> Title 6 - ANIMALS >> Chapter 6.10 RETAIL SALE OF DOGS AND CATS >>

Chapter 6.10 RETAIL SALE OF DOGS AND CATS

Sections:

6.10.010 Findings.

6.10.020 Retail sale of dogs and cats.

6.10.010 Findings.

- A. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code section 122125 et seq.); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code section 122045 et seq.); the Pet Store Animal Care Act (California Health & Safety Code section 122350 et seq.); and the Animal Welfare Act ("AWA") (7 U.S.C. § 2131 et seq.).
- B. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If, after fifteen (15) days from purchase, a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after purchase, a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty (150) percent of the purchase price of the puppy or kitten.
- C. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
- D. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three (3) litters or twenty (20) dogs in the previous year.
- E. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture (USDA). However, the AWA's licensing and inspection requirements do not apply to facilities that sell directly to the public, including the thousands that now do so over the internet.
- F. According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.
- G. According to USDA inspection reports, some additional documented problems found at puppy

mills include:

1. Sanitation problems leading to infectious disease;
2. Large numbers of animals overcrowded in cages;
3. Lack of proper veterinary care for severe illnesses and injuries;
4. Lack of protection from harsh weather conditions; and
5. Lack of adequate food and water.

- H. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present themselves immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- I. A 2005 undercover investigation of California pet stores revealed that nearly half of the pet stores visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.
- J. While "puppy mill" puppies and "kitten factory" kittens were being sold in pet stores across the Los Angeles area during the past year, more than one hundred thousand (100,000) dogs and cats were euthanized in Los Angeles city and county shelters.
- K. The homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.
- L. Responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club ("UKC"), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a code of ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in codes of ethics for many breed clubs for individual breeds.
- M. The cities of South Lake Tahoe, West Hollywood and Hermosa Beach have all adopted ordinances prohibiting the retail sale of dogs and cats.
- N. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.
- O. An undercover investigation by the national nonprofit organization Companion Animal Protection Society ("CAPS") revealed that the largest dog brokering facility in the country was replete with inhumane and substandard breeding facilities with multiple and repeat violations of the Animal Welfare Act. It was found that the brokers and/or breeders did not meet the minimum standards of care under USDA regulations.
- P. A local inspection done by CAPS found that there was one (1) pet store within the city of Glendale that obtains some of its puppies from this large dog brokering facility.
- Q. The city council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory." However, it is the city council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.
- R. The city council believes that the elimination of the retail sale of dogs and cats from pet stores in the city will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.
- S. In light of the city's goal to be a community that cares about animal welfare, the city council

finds that the adoption of an ordinance prohibiting the sale of dogs and cats by a retail pet store is necessary to promote community awareness of animal welfare and foster a more humane environment within the city of Glendale community.

(Ord. No. 5748, § 1, 8-23-2011)

6.10.020 Retail sale of dogs and cats.

A. Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Animal shelter" means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.

"Cat" means an animal of the Felidae family of the order Carnivora.

"Certificate of source" shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.

"Dog" means an animal of the Canidae family of the order Carnivora.

"Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the city of Glendale on the effective date of this chapter, and complied with all applicable provisions of the Glendale Municipal Code.

"Pet store" means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.

"Pet store operator" means a person who owns or operates a pet store, or both.

"Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

- B. Prohibition.** No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city of Glendale on or after the effective date of this chapter.
- C. Existing Pet Stores.** A legally existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs for a period of one (1) year from the date the ordinance codified in this chapter becomes effective.
- D. Exemptions.** This chapter does not apply to:
1. A publicly operated animal control facility or animal shelter;
 2. A private, charitable, nonprofit humane society or animal rescue organization; or
 3. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.
- E. Adoption of shelter and rescue animals.** Nothing in this chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

(Ord. No. 5748, § 1, 8-23-2011)

April 30, 2014

Dear Council Members:

I would first like to thank all of you who are sponsoring these important bills (Int. No 55, 73, 136, 146), and for being the voice for the voiceless victims.

My name is Jennifer Panton. I have live in Manhattan for over 12 years and am the President of United Action for Animals (ua4a.org), a non-profit that advocates for domesticated animals.

I have been rescuing for over 15 years. I worked at Animal Care and Control of NYC (ACC) as the Manhattan New Hope Coordinator and have presided over United Action for Animal since 2006.

I have saved dozens of our City's animals from Animal Care and Control's euthanasia lists, their New Hope alerts and off our City's street. I've organized low cost and free spay neuter clinics thorough out the boroughs and am now doing TNR, which is Trap Neuter and Return for feral cats.

I have.... and continue to witness the harsh realities of over breeding animals in New York City.... Things that have given me nightmares and that have made me question humanity. Animal Care and Control has to take in over an average of 86 animals a day (that's just cats and dogs.... Not including rabbits, chickens, reptiles, etc that have either been dumped, seized or abandoned). How is that possible in a sophisticated city like New York?! Any upstanding citizen who is against regulating pet shops and puppy mills needs to volunteer or work in our City's animal shelter's for just one week to educate themselves.

Due to my experience and of what I have seen done to animals, I can't help but take a stronger stance regarding pet shops in Bill No. 55. "Responsible breeding" is an oxymoron! At this stage with so much euthanasia and thousands of homeless animals, just cutting off puppy mills is not enough. In addition, I am concerned with the potential loopholes in 55 and the lack of enforcement resources to carry it out.

The city of Chicago last month passed a bill that stipulates a "retailer" aka "pet shop" may offer for sale only those dogs, cats and rabbits that have been obtained from an animal control center, humane society, rescue group, etc. Basically, what Petco and Petsmart are currently doing in New York City today.... They encourage people to adopt rather than shop. And those same animals are already spayed and neutered as well as micro-chipped. I would like to suggest that our council members review Chicago's ordinance (which I have attached to my letter) and replicate a bill similar to theirs.

Thank you.



Jennifer Panton
United Action for Animals

SUBSTITUTE
ORDINANCE

WHEREAS, The City of Chicago (the "City") is a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois and as such may legislate as to matters which pertain to its local government and affairs;

WHEREAS, Pet stores selling live animals have traditionally been a sales outlet for young dogs, cats, and rabbits bred in "puppy mills," "kitten mills," and "rabbit mills" both within the United States and abroad. According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store puppies, kittens and many pet store rabbits come from puppy mills, kitten mills, and rabbit mills, respectively. According to Illinois Department of Agriculture records, in the City alone, City pet stores purchased approximately 1,500 – 2,000 dogs from out-of-state breeders for sale to the public in 2011 and 2012. The number of dogs purchased for sale, and sold to the public, is likely higher as these records do not reflect dogs purchased from in-state breeders. When consumers buy puppies, kittens, and rabbits from a pet store, there is a strong likelihood that consumers are unknowingly supporting the puppy mill, kitten mill, or rabbit mill industry;

WHEREAS, The documented abuses of puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanization of unwanted animals. The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers;

WHEREAS, In addition to the above-mentioned abuses, rabbit mills are particularly prone to problems of overcrowding. According to the Red Door Animal Shelter, because rabbits can multiply every 28 days, breeders easily get overwhelmed, which leads to crowding, filthy living situations, and toxic amounts of ammonia in the air from the urine uncleansed from cages;

WHEREAS, The lack of enforcement resources at local, state and federal levels allow many inhumane puppy, kitten, and rabbit mills to operate with impunity. According to a spokesman from the United States Department of Agriculture, due to budget constraints, the Illinois Department of Agriculture employs only seven inspectors that are charged with overseeing more than 1,300 dog dealers, kennel operators and pet shop operators. The Puppy Mill Project, a City-based non-profit organization, has identified at least ten retailers in the City that have acquired cats and dogs from commercial breeding facilities;

WHEREAS, The Chicago Commission on Animal Care and Control (the "CACC") impounds approximately 20,000 animals each year. In 2011, the CACC euthanized 9,624 dogs and cats out of 21,085 (46%). Based on the CACC's estimated cost to euthanize a dog and cat, the City spent between \$234,864 – \$303,188 euthanizing dogs and cats in 2011. In 2012, the CACC euthanized 7,652 dogs and cats out of 19,523 (39%) spending an estimated \$199,124 – \$251,384;

WHEREAS, Each year thousands of dogs and cats are euthanized in the City, because they are not wanted. In 2011, 6,328 dogs and cats taken in by the CACC were owner surrenders, which was 30% of the CACC's dog and cat intake. In 2012, 6,130 dogs and cats taken in were owner surrenders (31%). Owner surrenders were the second largest source of dogs and cats taken into the CACC behind strays in 2011 and 2012. By promoting the adoption of such dogs and cats, this Ordinance will reduce the financial burden on City taxpayers, who pay much of the cost to care for and euthanize many thousands of animals. In addition, by stopping the sale of puppy mill puppies and kitten mill kittens in the City (animals that are known to have health and behavioral issues as discussed above), this Ordinance should reduce the amount of unwanted animals brought to organizations like the CACC, which would also reduce the financial burden on City taxpayers;

WHEREAS, According to the Red Door Animal Shelter, rabbits are the third-most popular pet in the U.S., after dogs and cats. Rabbits are often treated inhumanely in the breeding mills and these animals are often viewed as disposable, with the largest influx of abandoned animals being collected annually just after the Easter holiday. The Humane Society of the U.S. estimates that 80% of rabbits sold as Easter or springtime pets are eventually abandoned;

WHEREAS, The Red Door Animal Shelter reports that over a thousand rabbits were rescued by Chicago area shelters in 2013, with an unknown number of these pets perishing before rescue could be made. This Ordinance is necessary to decrease abandonment of rabbits;

WHEREAS, The City incurs significant costs caring for and treating animals brought into the CACC. Since 2010, the CACC's annual budget appropriated over \$300,000 in food; supplies; and drugs, medicine and chemical materials alone to care for its animals;

WHEREAS, Because the CACC receives adoption fees of \$65 per animal, there is a significant financial incentive for the City to promote the rehabilitation and adoption of rescue cats and dogs by prohibiting the retail sales of commercially-bred cats and dogs by business establishments located in the City. In 2011, only 1,404 (7%) dogs and cats were adopted directly out of the CACC and only 1,341 (7%) were adopted directly out in 2012. Consumers may be more likely to adopt a dog or a cat if dogs and cats were not readily available for purchase in pet stores. Moreover, there is a large financial benefit to consumers who adopt animals, as the \$65 fee charged by CACC is in many cases significantly lower than the cost of purchasing a dog or cat from a pet store;

WHEREAS, Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises;

WHEREAS, This Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed-specific rescue organization or a shelter;

WHEREAS, In the United States and Canada alone, over 40 cities have enacted ordinances addressing the sale of puppy and kitten mill dogs and cats, including Los Angeles, California; San Diego, California; Albuquerque, New Mexico; Austin, Texas; Toronto, Canada; and Brick, New Jersey;

WHEREAS, Many cities have adopted legislation banning the sale of rabbits, including San Francisco, California; Los Angeles, California; Richmond, BC; Fort Worth, San Antonio, Austin, and Houston, TX;

WHEREAS, Current Federal, Illinois and City laws and regulations do not properly address the sale of puppy and kitten mill dogs and cats or rabbit mill rabbits in City business establishments;

WHEREAS, The City Council believes it is in the best interests of the City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs or rabbits from a pet store or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and,

WHEREAS, The City desires to amend the Municipal Code of the City to regulate the retail sale of cats, dogs and rabbits in the City by adding the language shown below; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are incorporated herein by reference and made the findings of the City Council.

SECTION 2. Chapter 4-384 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-384-015, as follows:

4-384-015 Retail Sale of Dogs, Cats and Rabbits

(a) *Definitions.* As used in this section:

“Offer(s) for sale” means to display, sell, deliver, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog, cat or rabbit.

“Retailer” means any person licensed or required to be licensed under this chapter who offers for sale any dog, cat or rabbit in the City.

“Rescue organization” means any not-for-profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

(b) *Restrictions on the retail sale of animals.* A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from:

(1) an animal control center, animal care facility, kennel, pound or training facility operated by any subdivision of local, state or federal government; or

(2) a humane society or rescue organization.

(c) *Exemptions.* The restrictions on retailers set forth in subsection (b) of this section shall not apply to any entity listed in paragraphs (1) or (2) of subsection (b) of this section, or to any veterinary hospital or clinic licensed pursuant to the Veterinary Medicine and Surgery Practice Act of 2004, codified at 225 ILCS 115.

(d) *Disclosures required.* Any retailer who offers for sale a dog, cat or rabbit shall make the following disclosures to the customer about such animal:

(1) for each dog or cat: a written disclosure meeting all of the requirements set forth in Sections 3.5 or 3.15, as applicable, of the Animal Welfare Act, codified at 225 ILCS 605; and,

(2) for each rabbit: (i) the breed, approximate age, sex and color of the animal; (ii) the date and description of any inoculation or medical treatment that the animal received while under the possession of the retailer; (iii) the name and address of the location where the animal was born, rescued, relinquished or impounded; and (iv) if the animal was returned by a customer, the date of and reason for the return.

The disclosures required under this subsection (d) shall be provided by the retailer to the customer in written form and shall be signed by both the retailer and customer at the time of sale. The retailer shall retain the original copy of such disclosure and acknowledgement for a period of 2 years from the date of sale. Upon request by an authorized city official, the original copy of

such disclosure and acknowledgement shall be made immediately available for inspection by such authorized city official.

The retailer shall post, in writing, in a conspicuous place on or near the cage of any dog, cat or rabbit offered for sale all of the information about a dog, cat or rabbit required under this subsection and other applicable law.

SECTION 3. Following due passage and publication, this ordinance shall take full force and effect on March 5, 2015.

Susana A. Mendoza, City Clerk

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Proco Joe Moreno, Alderman 1st Ward

Ameya Pawar, Alderman 47th Ward

Scott Waguespack, Alderman 32nd Ward

Dear Council Members

I apologize for any typographical errors and lack of presentation with the attached. I didn't have the time to properly prepare but am certain you will understand the picture.

Also please keep the enclosed confidential as I am involved in an adoptions program with the particular business concern.

Again, my apologies and thanks,

Vivian Barna

All About Rabbits Rescue

4/30/2014

FROM ALL ABOUT RABBITS RESCUE, A 501C3 BASED ON QUEENS, NY

CONTACT INFO: VIVIAN BARNA, 347 993 2300

THE RABBIT SITUATION

I recently established my own rabbit rescue: ALL ABOUT RABBITS RESCUE after being an ACC volunteer for years, working with other rescue groups. I take rabbit problem/dumper calls from 311 through Pet Help Partners, Petfinder. I also get rabbit calls from through Petland Discounts, 100 location pet shop concern that sells rabbits at each location. I do not know of another pet shop concern that has this many locations. I have asked them very politely to cease selling rabbits on a number of occasions. *For lack of a better solution or strategy as well as lack of support at this time* and with hopes that it will change, I initiated a rabbit adoption program with Petland Discounts.

Selling rabbits is disastrous for the rabbits. In the last 1.5 years, my rescue organization has adopted out some 50+ rabbits and about 40 of those diverted from going into NYC ACC shelter system. I believe it was approximately 350 rabbits that came into ACC last year and its my information that another 300 were diverted from the shelter by other larger rescues based here in the city. Years back, there were max 8 rabbits in the rabbit room. The problem has gotten out of hand. (Now that the rabbit rescue group is no longer in charge of the rabbit room and the rabbit adoption program it started many years ago,) its my understanding that the staff of NYC ACC is doling out rabbits to non rabbit rescues in other areas. I would conclude that these NYC rabbits take the place of rabbits in those areas who are not going to get a home or be euthanized. This is not the solution. Obviously. What is also going on in NYC is silent euthanasia of rabbits. Pet shop impulse buys are resulting in rabbits are being left to die or be killed as they either are abandoned in parks, streets, or due to owners' willful neglect or improper care. Christina is an example. Picture. This rabbit was left to sit and rot in her cage in her own urine with festering wounds that permeated her thin leg bones and she was eutanized the next day. The aspca was called and report made and I am grateful to officer Santana and her partner that were very responsive and on it at the time. I personally spoke to a pet shop purchaser surrendered 21 rabbits to ACC during an approx 4 month period in 2013. Another purchaser surrendered 4 rabbits to ACC from a litter a few months ago. Yet another petland purchasers 7 of 11 rabbits was diverted from the shelter to a rescue.

IN FAVOR OF BILLS 146 AND 136 AND ANY WAY TO MAKE RABBIT SALES DIFFICULT AND RESPONSIBLE.

While this is extreme, neglect, abuse, improper care that makes rabbits very vulnerable as prey animals, fearful of their lives, I am in favor making rabbit sales as difficult as possible.

If bill 146 (microchipping) and 136 (mandatory sterilization) accomplish that with some provisions for enforcement then I am in favor of them. Microchipping all rabbits sold in a pet shop should have the owners name but the Pet shop concerns name. According to my research, its inexpensive and not harmful to the rabbit and takes a few seconds. If the rabbit is found abandoned or brought to ACC, BOTH the pet shop concern, and the individual should be fined to help pay for intake and re-homing of the animal. Under the circumstances whereby an owner deliberately abandoned the rabbit, it would NOT be appropriate to return the animal to its "owner".

Regarding bill 136, I am in favor of requiring pet shops to be involved in the spaying and neutering of rabbits. I wonder about the details in enforcing it. Would the pet shop collect a deposit that is returned upon showing the spay neuter certificate? How would we know that the certificate even corresponds to the animal. Perhaps the micro chip can be altered by the vet to indicate the animal has been altered. Customers will have to wait to get their rabbits altered. Rabbits should be altered only after sexual maturity, approx 4 months for a male and 6 months for a female.

My opinion: rabbits should not be sold p.e.r.i.o.d. Whenever a rabbit is sold to an uneducated consumer, a rabbits health, welfare, life are put at risk. They can die very easily if not attended to. Rabbits do NOT make good pets for most people due to misconceptions that they are cuddly and friendly,, will come to you when called. Unaltered rabbits mark their territory, spray you with urine, bite you if you don't submit to them, create a constant mess, exhibit annoying mating behaviors and chew everything in sight.

They're much more than what people bargained for and the pets shops know it very often omitting this information about how truly high maintenance they are so they can make a few bucks off the back of the rabbit.

Rabbits are appropriate only for those who have done their research, understand and appreciate them. The public is rarely willing to do take this time and properly consider their purchase. Rabbits are PREY ANIMALS, and being prey animals they are in a different category than cats and dogs which the public doesn't understand. Most the rabbit purchasers buy on impulse, perhaps for their children. Its perfectly legal that the pet shops profit from these ignorant thoughtless impulsive rabbit sales and take this money to the bank knowing the customer very often will want to unload the rabbit. The city also collects its taxes on these animals and the accompanying items sold. The Shelter, the volunteers and the rescues are left holding the bag.

Often rabbits are abandoned-disposed of in parks (alley pond, kissena) where they'll often die from starvation, predation, dehydration, fly strick etc. Those responsible for these department style no questions asked rabbit sales must be held responsible and accountable with their pockets.

These cases and the ones that I am enclosing in my report are a drop in the bucket. I haven't counted but its at least 100 pet shop concerns conducting rabbit sales in NYC. If more people knew about NYC ACC, there would be hundreds of rabbits there in a minute. After my requests for about a year and half, ACC's rabbit intake form includes the source (I.E., PESHOP) of the rabbit at intake. (Although the form also it mentions stray 3 times on the form possibly encouraging the person to say stray instead of the truth.) **I am hereby requesting that the city take those sources of surrenders and publish them on the ACC website and let the various pet shop concerns know this will be done.** Also the ACC website after many requests does not have a separate category for rabbits. It should also include official statistics of rabbits taken in by rescues to show the public just how important it is to adopt and not purchase. **I believe that with pressure from various sources these pet shops will acquiesce. We need to do it all together.**

INFORMATION BROCHURE: The stores should be **legally required** to give to each potential rabbit purchaser **AT THE POINT OF INTEREST/NOT AT THE CASH REGISTER** an information brochure about rabbits, their care and a list of rabbit vets. **IT MUST BE MADE KNOWN THAT** dog-cat vets are not experienced in rabbits and therefore not qualified to perform sterilization on rabbits. All animals sold in a pet shop (including gold fish) should be accompanied with an mandatory informational brochure, not just a oversimplified "care sheet".

ADOPTION CENTERS IN EVERY BOROUGH

As a business minded person concerned about costs, I was dubious of having Shelter Adoption locations in every borough but now I would be in favor. Having a neighborhood/borough location incites and spurs interest in adoptions that may not have occurred had the public not seen or known about the location as in ACC manhattan or Brooklyn. I am certain that I rehomed additional rabbits just because of my local presence, that the people saw the rabbits for adoptions in the Petland. Queens people came to me that otherwise may not have gone to manhattan and adopted right in their very own borough. I ask that the City can find a way to have adoption centers in every borough.

The city also needs to ask these pet shop concerns to cease selling rabbits willfully, let them know the source of rabbits is being recorded and that stats will be made public, and maybe there can be some kind of reward to those business concerns that refer adopters to ACC.

I am available to help with time and resources to make these bills effective and work for the rabbits and all the animals.

Rabbit Dump Cases

as recorded by Vivian Barna who sat at the Bronx shelter, volunteers for Pet Help Partners, volunteered at ACC, Petco

10/2011

On Rabbit forum: rabbit purchased at Petland, family no longer wants, rabbit neglected. Children taunting rabbit. Rabbit picked up by myself from Butts family in college point by ACC rabbit volunteer.

08/11

Ukrainian couple: lobby of NYCACC -- surrendering two male rabbits

Gift to them purchased at Petland, but as recipients, the husband never really wanted them and forced the wife to surrender them at ACC. Two males -- unneutered, bite wounds

07/11

Call into ACC/Pets for Life: young woman no longer can keep two rabbits, husband doesn't want. One rabbit is hers and another dumped on her by a friend who decided she didn't want the rabbit anymore. This dumper couldn't even afford to go to the shelter to relinquish them. Rabbits in separate cages. Purchased in Queens, probably Kissena Blvd.

04/31/2011

Judith Diaz: came in hysterical to Petco where she knew rabbit adoptions were and said rabbit sick. 2nd rabbit purchased at Petland that died. Was ready to go to vet but too late. Both rabbits purchased died within 2 weeks. As described, care was good. (sickly rabbits, probably came from rabbit mills)

4/11

Two Petland Discounts rabbit purchasers in Petco, one in a harness, the other in a nap sack (both inappropriate) came to have their bunnies nails cut and the bunnies didn't have well developed nails. Both were skinny and underdeveloped.

3/11

Helen Marta: Called for low cost pet care for rabbit. Teeth were overgrown, felt duped and had no idea that rabbits need hay as she was only sold pellets and her rabbit's teeth grew out as a result. She received the truth about rabbit care that she never received at the Petland where she purchased the pet. Said "All they were interested in was making the sale", will never go back to Petland.

12/2010

Aisha Mack: purchased rabbit at Petland Discounts. 19/y/o earning 200/week and living with grandmother who said the pets must go. Gave to her cousin who left it in the basement free run without food/possibly ate rat/mouse poison and died. ASPCA was called. No body found.

09/2010

Yana: purchased two Rabbits at Rego Park Petland, was told same sex and had 8 babies

9/10

On Section 8, no food, waiting to get evicted from her brother's house and having his 2 dogs picked up by ACC had a Petland rabbit. The rabbit "disappeared", "maybe it went out the front door", and "maybe I left the door open".

8/10

Bronx ACC Shelter

Couple brings in rabbit to shelter in little carrier. Petland purchase. **Said they had no room, plainly and without compunction said the rabbit lived in this carrier for six months.**

7/10

Bronx shelter

Ms. Gagliardo: brings in her rabbit purchased from Petland to surrender (after discussion, didn't surrender, but brought to veterinarian who used the word "shipwreck" to describe its condition. Rabbit subsequently died. Rabbit came in with newspaper and fecal matter plastered to its bottom.

2010

Pets for life hotline calls:

In separate instances, 2 Petland rabbit purchasers were told to "wait" and see what happens to the rabbit when they called the store for advice when there rabbit wasn't moving or eating. One was told to purchase and feed the rabbit "vitamix". Both rabbits subsequently died.

10/09

Jeff Sherman – turtle specialist

Described how we would see sick turtles in a Manhattan Petland and pluck them out of the tanks and in 10/10 commented about another Petland store where the non aquatic turtles were being mixed with aquatic turtles. Said he did some sort of training at a Petland store but it didn't help.

12/2010

Aisha Mack: purchased rabbit at Petland Discounts. 19/y/o earning 200/week and living with grandmother who said the pets must go. Gave to her cousin who left it in the basement free run without food/possibly ate rat/mouse poison and died. ASPCA was called.

4/2010

Nadine Lavi: Purchased rabbit that died, vet confirmed that rabbit was prematurely weaned by breeder.

1. 1/22/2012: A Francisco T. Met me at a Petco adoption event. One year later on 1/22, he is calling me asking where he can unload his Petland Discounts rabbit.
2. A couple at NYC Animal Care and Control (bronx) relinquishing approx 12 guinea pigs. They were sold two guinea pigs of the opposite sex. He came in to surrender. You will never see this customer again (picture enclosed)
3. An email from a 16 year old girl who bought a rabbit and living in unstable living situation - petland
4. 1/25/2012: a fellow rabbit volunteer telling me that Petland Discounts told her the rabbit could live in a "shoe box".
5. 1/1/2012, My New Years day excursion with Fanny Gonzales and her severely urine scalded rabbit. The rabbit was purported to have had maggots which were seen on the rabbit itself and in the cage. The cage was so small for this rabbit that it had no choice but to sit in this urine soaked pine litter. She was told by a Petland Discounts, Inc. employee that this cage was "good" without asking her the size of the rabbit. Ps. This rabbit was subsequently adopted by my mother after it was abandoned by this dumper☺).
6. 1/25/2012: Sylvia who told me that she returned her rabbit to the Astoria Petland Discounts location since it got to big. The rabbit was sold to her as a "dwarf". This particular store took the bun back but others do not, and then what? (It is doubtful the extra square inch of rabbit was the problem. Rather, the misrepresentation of the rabbit as a cage only, small pocket type pet, low and easy maintenance. This portrayal is farthest from the truth and the public's ignorance is exploited. The rabbit pays the price.)
7. 2 people purchased rabbits at Petland, Brooklyn 5th avenue location, both died due to improper care for stasis. One didn't follow through, the other was waiting till her paycheck came.
8. Lindsay 215 687 2551 purchased dwarf at petland discounts – looking for a rescue to dump it at, bit her daughter on the face three times. Offered help, got disconnected. Left message and didn't answer.
9. Call from pets for life rehome rabbit – petland purchase
10. dump Betsy – guy with pit bull
11. Harrison – dumped bunny at shelter
12. college point pick up 1 neglected rabbits – people said they didn't want or care for the rabbit, didn't let it out.
13. Muriel – wanted to dump her prince petland

14. flushing: I picked up two rabbits and drove them myself to ACC. pick up from woman who didn't have \$5 to get to the acc queens, one of the rabbits was a dump from a friend.

15, Forest Hills Petland on 10/17, woman with 9 year old child looking at rabbits. told me she had one. And that it died. Told me that he kids fed it all sorts of things (laughed, ha ha), one day and the next day it was on its side dead.

Petland cases July to October 2013

Erica Harding: purchased rabbit at Myrtle Avenue Petland. she also had a Pitt dog that must have kept the rabbit in constant fear state. therefore she hardly let the rabbit out of its cage. Called me to say rabbit not moving. Told her to bring to vet, she refused, rabbit died. Turned out she hadn't fed it on occasion and between the young child and dog, rabbit was too much. I conclude she deliberately let the animal die. She went to Petland who offered her another rabbit!!!

Yvette Stady -- 18 y/o son bought rabbit from Petland w/o her permission. she knew it was sick and let it DIE

Mr. Ko -- flushing, absolutely no understanding of the rabbit, wanted to dump. I helped him

3 Manhattan cases 2013

Marina -- Petland -- neglected and ignored. Purchased at Petland, wanted to dump and had it under my Petfinder.

Cypress Hills -- herd of 22 rabbits that I rescued. Must have been all Petland origin

Cases 2014

Philomena Petland purchase -- Dumper: Hava - 917 617 1679 -- from Rego Park, now with All About Rabbits rescue, had no care and left in a room essentially by herself for last few years.

Michael Ng -- bought for 6.5 years daughter -- 1.5 years later wants to dump. Said had to contact vet to see if she was spayed. Didn't remember.

Luis Buitron Guy in Bronx with two Petland - 7 babies and mother diverted from going to the shelter. still has another 4 in his home.

Also, woman in Brooklyn, family purchased another rabbit from Petland and made 2 sets of litters

Danny's dumper -- purchased at Petland

Rosina dumper -- South Ozone Park, got more than she bargained for, returned the rabbit to another Petland location.

Michelle Bahr -- Forest Hills Petland purchase "get rid of it!"

Diana.utech@yahoo.com 917 434 9056, rabbits in the park, Village NYC

Toni Ko - flushing Petland purchaser wanted to unload the rabbit, felt duped by the sales people at the Petland -- made it seem so easy

02.18 .2014 -- Greg -- went to shelter -- unemployed -- NYC ACC Volunteers did not adopt out a rabbit to him due to his situation. Subsequently he purchased a rabbit at Petland. Calling me to ask about fostering. Now living in trailer borrowed for 300/month. Says too cold for the rabbit he can see his breath. Has no job, going to school.

1 - 16 2014 Elmhurst family -- has five rabbits. sister has two. She bought two at Astoria Petland, father bought another one. now they want to get rid of all.

From: 13479932300@mymetropcs.com [mailto:13479932300@mymetropcs.com]
Sent: Friday, August 31, 2012 11:31 PM
To: vivianbarna@gmail.com
Subject: Fwd:

Thumper the rabbit was bought from the Petland Discount Store. Thumper was bought for my daughter who really was excited for a pet. Thumper is a very friendly rabbit and turned out to also be great with my 3 year old daughter. Thumper is well manored and tempered animal. The reason we are unable to keep Thumper is because my daughter no longer wanted the responsibility of caring for Thumper. My daughter was unable to keep the commitment to clean the cage daily and for that reason it is best that

Thumper be in a new home. Thumper is extremely sweet and good with kids and as long as someone is responsible enough to clean the cage it is a wonderful pet.

4/27 and 4/28

Mr. Gray referred by Petland. purchased at petland 3 years ago for daughter who is no longer interested. looking to rehome the rabbit that they are keeping cage only. not letting her out.

Felika: referred to me by the humane society, just gave birth, wants to rehome rabbit, petland purchase. Referred by the humane society

Please see below: Petland discounts purchase was a gift as a "joke". Then the gift recipient bought another rabbit of same sex, both fighting and kept in cruelly small quarters as below. We took one from him and rehomed it.

--- Original Message ---

From: "Vivian Barna" <vivianbarna@gmail.com>

Sent: March 26, 2014 4:07 PM

To: "Lisette P" <lisette810@hotmail.com>

Subject: RE: texted you.....I am also talking to a guy in west village with 2 neutered rabbits that wants to adopt them out. someone gave him the first one as a "joke" and then he bought another one. two males. BOTH PETLAND PURCHASES. Has them in divided large dog crate. The crate is divided in two. And he lets out only 1.2 hour.

A SAMPLE OF RECENT CASES

Case #1: Christina: 2013 (see picture)

- Purchased at Petland Discounts (Kissena Blvd. location) as per statement from surrenderer
- Was kept caged for months in filthy urine soaked pine litter sold at Petland Discounts. Owner saw the bleeding hocks and withheld proper medical attention.
- Unsalvageable and humanely euthanized at rabbit vet, Catnip and Carrots.
- Rabbit was non-ambulatory, trying to walk in horrible pain.
- Infection deep into the bones left untreated for months. Amputation of both hind legs not feasible.
- Case was reported to ASPCA. Awaiting conclusion of case.
- I personally have picked up approximately 4-5 other dumps that were purchased at this store

Case #2: Mickey : May, 2013(see picture)

- Purchased at another petland purchase in queens
- Whitney didn't have where to live, no job, little money and called to give up her rabbit.
- Rabbit was undernourished, had horribly overgrown teeth that were not attended to, couldn't eat, inch long nails, inch long teeth
- Rabbit had extensive vet care – teeth removal – cost to a regular consumer: thousands.
- Rabbit was adopted out by a rabbit volunteer as a fourth rabbit

Case #3: Rabbit Death: June 19, 2013 – on the list

- Purchased at Myrtle avenue Petland, queens by Erica Harding
- Rabbit not moving, eating
- First call, rabbit not moving since previous night, lets it get out of cage 1-2 hours, in last 2 days didn't feed the rabbit usual diet (with held pellets)
- 2nd call revealed different information: now rabbit wasn't moving since only that morning, owner further admitted she didn't feed the rabbit pellets on another occasion for 2-3 days, there's a dog in the house that seemed to pose a threat to the rabbit. She mentioned that due to dog, rabbit doesn't get out of the cage that much.
- Also mentioned that she has enough load on her hands with her 5 year old daughter for whom she purchased the rabbit and couldn't devote that much time to the rabbit.
- Rabbit died the day we spoke a few hours later:
- The Petland store offered her another rabbit!



Humane Society of New York

ANIMAL CLINIC / VLADIMIR HOROWITZ AND WANDA TOSCANINI HOROWITZ ADOPTION CENTER
306 East 59th Street, NYC 10022 / tel: (212) 752-4842 fax: (212) 752-2803

The Humane Society of New York thanks the New York City Council Health Committee for the opportunity to testify regarding animal protection legislation. We also thank Assemblymember Linda Rosenthal for sponsoring and working so tirelessly to secure passage of legislation to allow municipalities to once again regulate pet dealers.

We see firsthand the effects of the overpopulation of dogs, cats, and rabbits in our city, which we believe is exacerbated by the influx of puppy mill animals. We further believe that legislation is needed to reduce the overpopulation of dogs, cats, and rabbits, to better ensure the health and well-being of animals sold in our city, and to protect consumers.

We support Intros. 136, 73, 146, and 55 with some changes.

Int. 136

Spay/Neuter: Spaying and neutering is the most effective means to reduce the tragic overpopulation of dogs and cats. Now that state law specifically states that it does not preempt local municipalities from regulating spay/neuter of pet dealer dogs and cats, New York City's existing pet shop sterilization law, (section 17-804 of the Administrative Code) which requires the spaying and neutering of pet shop dogs and cats, can and should be revived. However, in order to enforce this already enacted section, either the NYC Health Code needs to be changed to require pet shops that sell exclusively dogs and cats to obtain a permit under section 161.09 of the Health Code, OR the NYC Administrative Code needs to be amended (as Int. 136 would do).

We also suggest that the spay/neuter language in current law be amended. The law states that the spay/neuter "requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated within the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, such dog or cat should not be sterilized until a later specified date..." Presumably the consumer would not have possession of the animal who the consumer had not yet purchased and thus could not have the animal examined by a veterinarian within the ten days preceding the sale of the animal. The language should simply require the sterilization of dogs and cats who are at least two pounds and eight weeks old, except where the life of the animal would be endangered by sterilization. Similar language applicable to animals adopted from shelters is already contained in Title 17.

Rabbits: We further suggest that the bill include a total ban on the sale of rabbits from pet stores, while allowing pet stores in conjunction with humane organizations to adopt out spayed and neutered rabbits. There is a serious overpopulation of rabbits in New York City. Animal Care and Control and other humane organizations care for hundreds of homeless rabbits each year. Also, there is no state preemption to limit a municipality's

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right to regulate the sale and care of rabbits. Banning the sale of rabbits from pet shops (as has already been done in other cities) while still allowing pet stores to adopt out rabbits from shelters and rescue groups will help to control the overpopulation of rabbits and ensure that rabbits are spayed or neutered, a procedure that should not be done until a rabbit is several months old.

We don't believe it is necessary to regulate spaying and neutering of species other than dogs, cats, and rabbits at this time as we are not aware of an overpopulation problem with other animals commonly sold at pet shops and there are greater risks associated with surgery on smaller animals, such as guinea pigs.

Dog Licenses: Dog licensing provides needed revenue to support the care of homeless and lost animals and is also an important means to reunite lost dogs with their guardians. Language is already contained in the New York State Laws of 1894, Section 115 (the NYC dog license law) which requires entities that hold a permit under section 161.09 of the Health Code to sell dog licenses. Just as the spaying/neutering provision relating to pet stops became ineffectual after the NYC DOH amended the Health Code to exempt pet shops that exclusively sold dogs and cats from the section 161.09 permit requirement, the provision in the NYC dog license law which requires pet shops that have a permit under section 161.09 of the Health Code to sell dog licenses became less effective after the NYC DOH amended the Health Code. In years past, pet stores sold dog licenses, collected dog license fees, and remitted the fees (minus one dollar per license) to the licensing entity. Such a provision should be restored either through Int. 136 or a change to the Health Code.

Int. 73

Animal Abuse Registry: We agree that the definition of pet shop needs to be changed through legislation or the NYC Department of Health needs to act expediently to once again require pet shops that exclusively sell dogs and cats to procure a permit under section 161.09 of the Health Code. Without a change in the law or regulations, a loophole remains in the Animal Abuse Registration Act.

Int. 146

Microchip: We support this legislation and its requirement that pet shops microchip dogs and cats prior to release to a purchaser. A microchip can truly be an animal's best chance of being reunited with his or her guardian. We suggest language be added to require pet shops to register microchips with a corporation that in the regular course of its business maintains a microchip identification registry.

Int. 55

Many of the provisions contained in Int. 55 are similar to language already contained in Article 26-A of the Agriculture and Markets Law regarding the care of animals by pet

dealers and Article 35-D of the General Business Law regarding the sale of dogs and cats. Including such language in a NYC law will expand enforcement. However, more needs to be done to address the inhumane conditions that are inherent at puppy mills---those same mills that supply pet stores.

The sad truth is that even with laws and regulations, the deplorable conditions at puppy mills continue year after year. A report by the USDA's Office of Inspector General provided numerous examples of USDA inspectors taking inadequate action against licensed pet dealers, including, for example, the following:

- Dogs with hair loss over their entire bodies and raw and irritated spots on their skin.
- Dog was left untreated for at least seven days after being bitten by another dog, resulting in the flesh around the wound rotting away to the bone.
- Numerous dogs infested with ticks. In one case, the ticks completely covered the dog's body.
- Dead dogs and other starving dogs that resorted to cannibalism. Despite these conditions the animals were not immediately confiscated and as a result twenty-two additional dogs died before the breeder's license was revoked.

Source: Recent NYS legislation opened the doors for localities to address the source of animals sold at pet stores and by other pet dealers. Although the state law provides that such legislation or rules "may not result in essentially banning *all* sales of dogs or cats raised and maintained in a healthy and safe manner," the state law does not prohibit banning a large percentage of sales of animals acquired from puppy mills. NYC should require that a large percentage of the dogs and cats offered at pet stores be adoptions in conjunction with shelters and humane organizations.

Int. 55, by defining "high volume breeder" and limiting the sources from which pet shops can acquire dogs and cats, should provide greater protection. We suggest that the definition be changed to lower (from 20) the number of breeding female dogs and or cats that one has an ownership interest in to constitute a high volume breeder.

Pet shops should not be allowed to purchase from breeders who do not adhere to specific animal care standards, which should include standards under federal, state, and local law and more stringent standards which should be spelled-out in a definition of "healthy and safe manner," including, for example, exercise requirements at breeders' facilities, humane disposition of animals, and limits on breeding.

Animals should not be forced to spend their lives as breeding machines. For those animals acquired by pet shops from breeders, we suggest a law to limit the source to only those breeders who do not breed any animal more than twice.

We suggest that pet shops be prohibited from acquiring animals from breeders who do not have a humane animal disposition policy. Such policy should prohibit euthanasia

unless the animal is diagnosed by a licensed veterinarian as requiring euthanasia due to a serious illness or injury. The policy should also provide that unwanted animals will be made available to humane and rescue organizations and not be transferred to any other breeding facility or be used for research, testing, or experimentation. Pet shops should also be required to adhere to these same standards with their animals.

Pet shops should be required to visit at least annually the breeding facilities where animals they intend to purchase and sell were bred and to certify in writing that the animals were “maintained and raised in a healthy and safe manner” as that term is defined. A form detailing the requirements as prescribed in the law for “healthy and safe manner” should be established by the commissioner and completed by the pet shop after its inspection of the breeder facility. Such certifications should be required to be maintained by the pet shop and a copy should be sent to the commissioner with the animal source certification described under 17-1705 in Int. 55.

We wholeheartedly agree that pet stores should not be able to acquire any animal from any person or entity that has been convicted of cruelty to animals or found in violation of an animal care provision in the federal Animal Welfare Act. We believe that the prohibition against obtaining animals from dealers and intermediate handlers who have been found in violation of the Animal Welfare Act or regulations during the preceding twelve month period should be extended to at least five years. Language should be added so that animals may also not be procured from persons who have pled guilty to a charge other than animal cruelty in satisfaction of the animal cruelty charge or where the animal cruelty charge has not resulted in a dismissal on the merits. The definition of the word ‘convicted’ may not cover all of these possibilities.

There should also be language requiring sprinkler and fire alarm systems at pet stores and pet dealer facilities.

The Humane Society of New York again thanks the City Council for addressing these important humane issues. Our staff is available to work with you on these bills and other animal protection measures.

Dated: April 30, 2014

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**Testimony in support of Int. 136 - Spaying and Neutering and Licensing of
Animals Sold in Pet Shops and
Int.146-Microchipping Animals Sold in Pet Shops**

On behalf of the Humane Society of the United States (HSUS) and our members and supporters in New York City, I submit this testimony in support of New York City's proposal to require the spaying and neutering of animals sold in Pet Shops.

Spay/neuter is a proven way to reduce pet overpopulation and it is the only permanent, 100 percent effective method of birth control for dogs and cats. In the U.S., there are an estimated 6-8 million homeless animals entering animal shelters every year and with nearly 30,000 animals entering the city's sheltering system, passage of Int.36 would greatly benefit both animals and people in New York City. Animals sold in pet shops that are not sterilized directly add to the overpopulation problem, impacting shelter surrenders and the burden shared by all city taxpayers.

The HSUS joins our colleagues testifying today in recommending that the City code include sterilization requirement to for rabbits. It's challenging for shelters to provide care for these animals once they enter the system and sterilization of rabbits is becoming a generally accepted practice among pet owners and shelters alike.

Additionally, The HSUS supports provisions that require pet stores to license dogs prior to being released into the care of consumers. This will lead to increased compliance with city licensing laws and increase funding to the Animal Population Control Fund.

The HSUS also supports Intro 146, which would strengthen the city's ability to identify dogs and cats who may become lost, strayed or stolen. This will have a further positive effect on the city's shelters by increasing the chances of these animals being reunited with their guardians. This is a reasonable expectation for pet stores since these stores do place a large number of dogs and cats with NYC consumers.

We join the Mayor's Alliance in offering the following recommendations:

1. Amend the bill to clarify that the mandatory microchip registration by the pet store must be with a bona fide microchip registering company and that the usage instructions from the company be provided to the consumer.
2. Amend the bill to increase the period of time in which the pet store must maintain the records of the microchipping to more than the 5 years presently in the bill.

We thank the Committee on Health for considering these important animal welfare and consumer protection ordinances, and remain willing and eager to assist going forward.

Respectfully submitted,

Brian Shapiro

Brian Shapiro, New York State Director



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Testimony in support of Int. No. 55 - In relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.

On behalf of the Humane Society of the United States (HSUS) and our members and supporters in New York City, I respectfully submit this testimony in support of New York City's proposal to limit the sale of puppy mill dogs in pet stores. The HSUS opposes the sale of puppies bred in inhumane conditions everywhere that they are sold, including in New York City pet shops.

• Most pet stores sell puppies from inhumane sources

The Humane Society of the United States conducted a hidden-camera investigation¹ which revealed that more than 100 New York state pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders known as puppy mills. Many Web sites or employees of these stores imply or explicitly state that the puppies come only from small-scale "private breeders"—not from notorious puppy mills. Shipping documents were also obtained for more than 100 New York State pet stores.² The investigation revealed:

- All 11 stores videotaped by HSUS investigators purchased their puppies from large-scale commercial breeding facilities, despite specific claims of "no puppy mills" or misleading statements implying that their sources were small "private breeders." When HSUS investigators filmed some of these breeding facilities they found hundreds of dogs confined to small cages.

- More than 100 pet stores in New York that were investigated through a public records search were shown to have purchased more than 4,500 puppies from similar commercial large-scale breeding or brokering operations in Arkansas, Iowa, Kansas, Minnesota, Missouri and Oklahoma during approximately a four-month period in 2011. More than 3,000 puppies were shipped to New York stores from Missouri alone during that period. Missouri is the puppy mill capital of America.

- All of the stores visited by investigators and many of the 100 stores whose puppy transport records were examined were found to be buying puppies from suppliers with known Animal Welfare Act violations, including some with citations for filthy conditions, lack of adequate space, underweight breeding

¹ Can be found at:

http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html#.UvkvXWJdWAg

² HSUS Investigate New York Puppy Stores. Can be found at:

http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/new_york_pet_stores.pdf

animals, dogs found in the freezing cold or high heat without adequate weather protection, or sick or injured dogs in need of veterinary care.

- Some of the stores investigated (but none of the stores visited in person) were even found purchasing from an unlicensed, convicted animal abuser, Kathy Jo Bauck, aka Kathy Cole, whose USDA license was revoked after years of extreme state and federal animal care violations for issues such as dogs with open and bleeding wounds who had not been treated by a vet, piles of accumulated feces, and puppies found shivering in the cold in temperatures as low as 12 degrees F. Bauck was ordered to stop performing surgeries on dogs without a veterinary license in 2006, and convicted of animal cruelty and torture in 2009.
- Seven of the stores investigated by The HSUS were buying puppies from Brandi Cheney, who was identified in The HSUS's *Missouri's Dirty Dozen* report last year as one of the worst puppy mill operators in Missouri. More than 500 pages of USDA inspection and enforcement reports on breeding facilities linked to Cheney reflect the facilities' failure to provide vet care to sick and dying dogs, dogs subjected to below-freezing temperatures with inadequate shelter and dogs with such severe matting that the removal of the mats left oozing, open sores. Four additional puppy mills highlighted in the HSUS' *Missouri's Dirty Dozen* report were also found selling to New York pet stores.
- One salesman refused to give breeder information to the undercover shoppers, repeating three times, "I have nothing to hide." The investigation found his store purchased puppies from Brandi Cheney.

• Problems associated with pet shop puppy sales

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled "Little Shop of Sorrows"³ 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 touched⁴.

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,"⁵ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a

³ 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).

⁴ 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.

⁵ 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.

• **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 Sheet⁶ 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,"⁷ and that dogs not be bred more than 5 times in a lifetime.⁸ ⁹Similarly, 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 species¹⁰ 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 jumping¹¹. 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 flesh¹² -- dogs' limbs may slip through wire mesh flooring, causing severe lacerations or even unintentional amputation of the limb.¹³ The American Veterinary Medical Association specifically recommends that "dogs should be provided with an area of solid flooring. A

⁶ 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).

⁷ Society for Theriogenology, "Position Statement: Welfare of Breeding Dogs," <http://www.therio.org/?page=PositionStatement#Breeding> (accessed 5 Dec, 2013).

⁸ Olson, Patricia N., DVM, PhD, DACT, "Breeding Protocol Review and Recommendations," email from author, July 2012.

⁹ 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).

¹⁰ 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.

¹¹ 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.

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

¹³ 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.

dog's welfare needs for comfortable housing are better met by a kennel with solid flooring.”¹⁴ 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.”¹⁵ 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,¹⁶ 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.^{17,18,19,20,21,22}

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.

- **The USDA fails to adequately enforce the Animal Welfare Act**

- The USDA's Inspector General issued a report in 2010²³ 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 2006²⁴ 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

¹⁴ American Veterinary Medical Association, “Model Bill and Regulations to Assure Appropriate Care for Dogs Intended as Pets,” April 9, 2010.

¹⁵ 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)

¹⁶ “Animal Welfare: Solid Resting Surfaces for Dogs, Final Rule.” *Federal Register* 64 (April 20, 1999): 19251-19254. Print

¹⁷ 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.

¹⁸ 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.

¹⁹ 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.

²⁰ 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.

²¹ Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386.

²² 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.

²³ United States Department of Agriculture, Office of Inspector General, *ibid*.

²⁴ 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).

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.'

- o 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*."²⁵(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."*²⁶

- **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.

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

The humane community has rallied around responsible dog breeders, and seeks only to disallow the sale in New York pet shops of dogs acquired from puppy mills. The HSUS helped establish a Breeder Advisory and Resource Council (BARC)²⁷, 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.²⁸

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

²⁵ 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.

²⁶ 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-animalscb9519ddc> (accessed 6 Dec. 2013)

²⁷ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9l6XTnVQ (accessed 6 Dec. 2013).

²⁸ http://www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html

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.²⁹

•Conclusion

The morals and values of New York City cannot be represented by allowing the continued sale of puppy mills dogs – an industry so intrinsically linked to unnecessary animal suffering and so seemingly unwilling to change. New York City pet store customers should not be duped into unwittingly supporting the cruel puppy mill industry, and into buying puppies exposed to the unique set of physical and behavioral problems created by such a substandard upbringing. New York City residents should no longer have to accept the importing of puppies from puppy mills while their tax dollars are spent sheltering and euthanizing dogs for which there are no homes.

We thank the Committee on Health for considering this important animal welfare and consumer protection ordinance, and remain willing and eager to assist going forward.

Respectfully submitted,

Brian Shapiro

Brian Shapiro, New York State Director

²⁹ http://www.humanesociety.org/issues/puppy_mills/facts/puppy_friendly_pet_stores.html#UqI-ZxXTnVQ



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS⁵

**Michelle Villagomez
NYC Legislative Director**

American Society for the Prevention of Cruelty to Animals

Hearing before the New York City Council's Committee on Health

April 30, 2014

Good afternoon. I am Michelle Villagomez, New York City Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). On behalf of the ASPCA and its nearly 70,000 New York City supporters I would like to thank Chairman Johnson, Councilmember Crowley, and the Health Committee for seizing the opportunity afforded by the recent passage of state law allowing municipalities the authority to regulate pet dealers by introducing Intros. 55,136 and 146.

As my colleagues have pointed out, the preemption created by state law restricted the City from adequately protecting animals and consumers. This resulted in a bewildering regulatory scheme in which the City could only regulate pet stores that sold other kinds of pets in addition to dogs and cats. The Department of Health and Mental Hygiene has oversight over pet stores that sell other kinds of common pets, in addition to dogs and cats. These stores are subject to requirements concerning training, sanitary conditions, self-inspections, record-keeping, precautions concerning animals with communicable diseases, the provision of dog license applications, and animal housing, while the City is unable to regulate pet stores that just sell dogs and cats.

This broken regulatory system can carry a substantial price. Consumers, taxpayers, the shelter system as well as other not-for-profit partners, typically absorb the costs associated with unregulated breeders and unwanted pet store dogs. Consumers suffer perhaps the most, when they unknowingly open their homes and their hearts to puppies who suffer from serious illness and congenital malformations that often require costly medical intervention.

Puppy mill dogs may be prone to health issues, because puppy mill operators often fail to apply proper husbandry practices that would remove sick dogs, as well as dogs with hereditary and congenital defects from their breeding pool. Puppies from puppy mills are susceptible to congenital and hereditary conditions

including: epilepsy, heart disease, kidney disease, musculoskeletal disorders (hip dysplasia, luxating patellas, etc), endocrine disorders (diabetes, hyperthyroidism), blood disorders (anemia, Von Willebrand disease), deafness, eye problems (cataracts, glaucoma, progressive retinal atrophy, etc.), and respiratory disorders. On top of that, puppies often arrive in pet stores and their new homes with diseases or infirmities. These can include: giardia, parvo virus, distemper, upper respiratory infections, kennel cough, pneumonia, mange, fleas, ticks, intestinal parasites, heartworm, and chronic diarrhea. They may even display behavioral problems. Fearful behavior and lack of socialization with humans and other animals are typical of puppy mill dogs. Puppies born in puppy mills are typically removed from their littermates and mothers at just six weeks of age. The first months of a puppy's life are a critical socialization period for puppies. Spending that time with their mother and littermates helps prevent puppies from developing problems like extreme shyness, aggression, fear, and anxiety.

Consumers dealing with puppy mill puppies may be faced with high veterinary costs to address their health issues, and those whose puppies exhibit behavioral issues may end up surrendering their animals to the shelter system. The ASPCA has heard countless stories about consumer's negative experiences with purchasing puppy mill dogs. I would like to highlight one of our experiences. In February of 2014, Luca the pug was dropped off at the ASPCA. His owners had purchased him from a pet store, and when he was no longer wanted he was left at our shelter. As a result of his puppy mill past, Luca was struggling with separation anxiety, shyness, and fear. Our behavior and adoptions team worked with Luca, and we are happy to report that Luca was adopted into a caring home. Luca is just one example of how puppy mill dogs can have a profound impact on consumers and the shelter system.

For all the reasons highlighted, we must address the deficiencies in state and federal law by enacting local legislation to ensure that all kinds of animals sold as pets and the consumers who buy them are protected.

The ASPCA supports Intro. 136, a local law to amend the administrative code in relation to the spaying, neutering and licensing of animals sold at pet shops- with some recommendations. We recommend the following amendments to the bill:

- Remove the sterilization requirement for guinea pigs and other small animals, as there is not a serious overpopulation problem and there are increased safety concerns involved in their sterilization.
- Remove the exception in section 17-804 b allowing for a veterinarian to issue a letter recommending sterilization at a later date - it is unclear whether the consumer's veterinarian would examine the pet prior purchase.
- Include language that would require that all puppies and kittens are sterilized when they are at least 8 weeks old and weigh at least 2 pounds.
- Include language requiring that rabbits be sterilized when they are at least 4 months old, because surgery is riskier on a younger rabbit.

The ASPCA has long worked with the City to support programs that encourage spay, neuter and dog licensing. Spaying and neutering is the best way to address the pet overpopulation problem and reduce the number of homeless animals entering our shelter system. The Shelters and Sterilization Act required pet stores to sterilize all dogs and cats prior to sale. However, the City was not able to enforce this provision because of the state preemption. Now that the preemption provision has been lifted, the City needs to enact legislation that would require the spaying and neutering of dogs, cats, and rabbits- the three largest populations of animals entering the shelter system and require dog licensing at pet shops. The requirement on pet stores to license dogs before the sale and release of a dog to a consumer is critical as a means to both raise revenue for the shelter system as well as protect pets if they get lost.

The ASPCA also supports Intro. 146, a local law to amend the administrative code in relation to microchipping animals sold in pet shops. Implanted microchips, when combined with visible identification tags on a pet's collar, have proved to be the most reliable system for the recovery of lost or stray companion animals. A microchip properly registered to a pet owner can reduce the likelihood of their animal entering the shelter system, and even if they did- they could be promptly reunited with their owner. We would like to ensure that the pet stores use an established microchip registering company, and provide purchasers with information on how to maintain their registration information current.

We look forward to working with the Council on these bills to improve conditions for New York City's animals.

Thank you.



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ³

Bill Ketzer, Senior Legislative Director, Northeastern Region

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Hearing before the New York City Council's Committee on Health

April 30, 2014

Good afternoon Chairman Johnson and members of the Committee on Health. My name is Bill Ketzer and I am the ASPCA's state legislative director for the Northeastern region. I appreciate this chance to offer comments today on Intro. 55, which offers New York City the opportunity to establish a strong, practical and example-setting local law regulating pet sellers in New York City and ensure that the dogs and cats they purchase for resale are sourced only from breeding facilities where they are raised and maintained in a healthy and safe manner.

In her testimony, my colleague Cori Menkin discusses the failings of both federal and state regulatory programs in fairly explicit detail, and it is for these reasons that legislation was introduced and passed by the New York State Legislature repealing the longtime prohibitions in the Agriculture and Markets and General Business laws that prevented local governments from exercising their home rule powers to regulate pet breeders and sellers of their own accord (we were the only state in the nation to expressly do so). This measure, signed into law by Governor Cuomo in January 2014, was supported by an ASPCA-led coalition of municipal, legal and animal welfare organizations and also by City Council resolution, so we are incredibly grateful for the leadership of Council Member Crowley and Chairman Johnson for making good on that support by putting Intro. 55 forward.

This new law was literally a vote of no confidence in the current regulatory scheme. Likewise, the very fact that we are here today speaks directly to these state and federal failures to meet taxpayer-funded responsibilities to the public and to the reality that local governments are much better-suited to regulate this industry should they demonstrate the willingness and capacity to do better for their consumers, their animals and the viability of their sheltering systems. Without that desire, unscrupulous commercial breeders will continue to elude diligent regulation, and New York pet stores will continue to support poor-quality, out-of-state puppy mills. We are optimistic that today begins the end of that poor standard.

That said, the ASPCA feels strongly that Intro. 55's approach should be improved in several important ways to (a) sufficiently reflect the statutory conditions placed upon municipal governments following the removal of state prohibitions on local pet dealer laws, (b) establish more stringent pet store care standards as detailed in the draft proposal we provided to Council staff several weeks ago, and (c) establish sound, attainable and enforceable mechanisms for meaningfully limiting the sources from which pet stores can obtain puppies to sell in New York City.

These goals can be accomplished in the following manner:

Incorporate Previously-Exempt Retail Pet Sellers into DOHMH's Permit System for Pet Shops, Grooming Parlors, Boarding Kennels and Training Establishments (Section 161.09). As discussed last week, we strongly suggest that a statement of legislative intent be provided in Intro. 55 similar to that proposed in the ASPCA's draft proposal, with additional language to demonstrate the Council's expectation that DOHMH's Board of Health will amend the NYC Health Code to make its current definition of "pet shop" to conform to the state's definition of "pet dealer" and to adopt the more accurate term "pet seller" to capture those sellers of dogs and cats.

As a part of this effort, it is crucial that the Board of Health consider whether the additional standards of care provided in Intro. 55 to meet the "not less stringent than" requirement of Chapter 5 of the Laws of 2014 will apply to other permitted entities (groomers, boarding kennels, pet stores selling only pocket pets). In addition,

consideration should be given as to whether certain provisions in Section 161.09 (proof of workers' compensation insurance, small animal handling course requirements, etc.) should be retained and applied to all permit holders under Section 161.09.

Establish AML Article 26-A and GBS Article 35-D as the Statutory Foundation for Pet Seller Regulation – With Improvements. Chapter 5 of the Laws of 2014 require that any local law regulating pet dealers as defined in state law be “not less stringent than” such state law. Intro. 55 correctly endeavors to incorporate many of the pertinent provisions of the aforementioned state laws regulating pet dealers, but great care must be taken to ensure that these standards are incorporated in their entirety to ensure that the City is indeed sufficiently meeting this “not less stringent than” standard.

This framework can then – as proposed in the ASPCA’s draft legislation – be used as a foundation upon which to address some longtime flaws in state law by folding in more stringent standards to be met by pet stores/pet sellers in New York City, including:

- Delegation of enforcement authority. The opportunity to consider a public private partnership – much like that of the ASPCA’s law enforcement partnership with NYPD to enforce animal cruelty laws in the five boroughs – to authorize DOHMH to delegate enforcement authority to a not-for-profit organization serving New York City.
- A provision prohibiting renewal of a pet seller permit if outstanding monetary penalties are unpaid or uncorrected violations are evident on the seller’s permitted premise.
- A provision allowing DOHMH to decline to grant or renew, suspend or revoke a pet seller permit if the seller refuses access to pet seller facilities or statutorily required records.
- Additional housing requirements to (a) clarify that the ambient temperature surrounding the animal shall not fall below 50 degrees Fahrenheit or rise above 85 degrees Fahrenheit, (b) require that animals be provided with regular diurnal light cycle of either natural or artificial light, and (c) provide nursing dogs with additional floor space, based on her breed and behavioral characteristics in accordance with generally accepted husbandry practices as determined by a licensed veterinarian.
- Clarification that isolation areas for sick animals must meet all other housing requirements of this section in addition to those expressly provided in existing state law.
- A requirement that all primary enclosures must be cleaned daily and sanitized at least once every two weeks using one of several methods prescribed in our draft proposal. These standards are being met in other jurisdictions.
- An amendment to the basic food and water provisions clarifying that access to water must be constant.

- An amendment to existing animal handling provisions requiring, in addition to preventing physical injury, prevention of undue stress to the animal.
- A requirement that all seller premises must be equipped with a smoke alarm that is operating properly and must have means of fire suppression, such as fire extinguishers on the premises and in good repair. We do recognize that stand-alone legislation has been introduced to provide this protection, but we retain it here to keep the discussion consistent with that effort.
- A requirement that all dogs and cats must be groomed regularly to prevent excessive matting of fur, overgrown toe nails and flea and tick infestation.
- Penalties for non-compliance. While Article 5 of the NYC Health Code provides general authority regarding permit revocation or suspension, it is important that specific monetary penalties be provided to ensure compliance with this regulatory program. Chapter 5 of the Laws of 2014 expressly allows local governments to assess monetary penalties of up to \$500, therefore we recommend the inclusion of language authorizing DOHMH to assess penalties of up to \$100 and not more than \$500 for each violation. In addition, we suggest that the commissioner be authorized to issue injunctions to enjoin and restrict any further violation.
- Again acknowledging the existing permit revocation/suspension provisions in Article 5, inclusion of language to allow the commissioner may suspend or revoke a permit for “no access” violations and, consistent with state law for pet dealers, authorize the commencement of a hearing to consider permit revocation where a permittee has three consecutive inspections in which he/she has failed to correct previous violations incurred pursuant to sections
- A provision *requiring* the revocation of a permit on the grounds of conviction of cruelty to animals, endangering the life or welfare of an animal, or violation of any federal, state or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

Establish a Sound and Enforceable Source Breeder Certification that Employs Standards Already Being Met in the United States. Intro. 55 currently seeks to restrict “bad actor” source breeders based upon whether they have had any violations to the federal Animal Welfare Act within the previous year. We understand this approach because it is tangible and it can be a reasonable component of source breeder regulation, but it will only be as effective as the entity enforcing federal law (USDA-APHIS) and federal law itself. Unfortunately the program itself legally allows dogs to be raised and maintained in conditions that fall far short of healthy and humane. Breeding dogs in licensed facilities can legally be kept in wire-bottom cages only six inches longer than the dog in each direction, stacked on top of one another, and bred at every heat cycle for their entire lives. Even if every single facility were in full compliance with these standards, dogs would continue to suffer greatly.

Moreover, sadly, the USDA program has been sporadically, unevenly and in the end *abysmally* administered for almost two decades – therefore violation counting alone cannot adequately ensure animal health or provide the consumer with any assurance that they are purchasing a healthy and safely maintained dog or cat.

USDA violations assessed pursuant to this program are not administered in anything resembling a fair, consistent and even-handed fashion. Four USDA Inspector General audits over the past several years (we can provide these upon request) have revealed uncorrected, deep and systemic flaws in the enforcement of source breeders selling to NY pet stores.

A more preferable – and also more evenhanded – approach would be to limit the sale of puppies in New York City pet stores that come from breeders who do not meet requirements far exceeding USDA standards and are already in place in the United States (in our draft proposal we used modified standards currently enforced in the Commonwealth of Pennsylvania). Pet stores doing business in New York City would then annually require their source breeders, regardless of where they are located, to certify to store owners that these standards are being met. The pet store, in turn, would certify to DOHMH that they have obtained this certification. We have done the legal research on this issue and sufficient case law exists to support the viability of this approach, and in a very real sense it provides an even playing field for all breeders looking to source animals to pet shops in the five boroughs.

A violations-based mechanism could then also be incorporated into this regulatory framework – taken together, New York City can then confidently claim it is effectively, comprehensively striving toward what the state legislature's intent was in removing the prohibition on local laws on both the retail and wholesale ends of the industry in New York. The above approach is also laid out in our draft proposal and we look forward to discussing it in more detail in the weeks following today's hearing.

Once again, it is with great appreciation that I submit these recommendations to the committee today. We share your desire to make New York City's local pet seller law the first and strongest in the state, and we remain available to assist you in achieving that laudable goal for New Yorkers and their pets. Thank you for your time and consideration.



THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS [®]

**Cori Menkin
Senior Director, Puppy Mills Campaign**

American Society for the Prevention of Cruelty to Animals

Hearing before the New York City Council's Committee on Health

April 30, 2014

Good Afternoon. I am Cori Menkin, Senior Director of the Puppy Mills Campaign for the American Society for the Prevention of Cruelty to Animals. As part of my role at the ASPCA, I oversee our No Pet Store Puppies campaign, which urges consumers to take a pledge not to buy anything in pet stores or on websites that sell puppies. The ASPCA believes that most pet store puppies come from puppy mills, and so we urge the public not to financially support pet stores that hold up the cruel puppy mill industry. A puppy mill is a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs. Puppy mills usually house dogs in overcrowded and unsanitary conditions, without adequate veterinary care, food, water, and socialization.

Pet store typically obtain their dogs from puppy brokers, who get the dogs from USDA licensed breeders. Although this may sound like a seal of approval, it is in fact, a guarantee that the puppy came from a large-scale, likely inhumane origin. The standards of care required by the USDA are woefully inadequate and not what most of us would consider humane. Under the federal Animal Welfare Act, which is enforced by the USDA, dogs in commercial breeding facilities can legally be kept in cages only six inches longer than the dog in each direction, stacked on top of one another, for their entire lives. It's completely legal to house dogs in cages with wire flooring and to breed female dogs at every opportunity. The standards of care currently required leave a lot of room for dogs to be severely mistreated. Even full compliance with the federal Animal Welfare Act provides no guarantee that dogs are living in humane conditions.

Even if the standards were adequate, enforcement by the USDA is abysmal. In 2010, the Office of the Inspector General issued a scathing report documenting lax enforcement by the USDA. The OIG found that at one facility, dogs were so badly starved that they had resorted to cannibalism, yet the facility was allowed to continue to operate and sell puppies to pet stores. Another was described as having a "deep pool of urine and feces" under the animals' enclosures. Dogs were seen with gaping wounds left untreated,

and flea and tick infestations so bad that you could barely see the dogs' faces. In the same audit, the OIG found that the agency's enforcement process was ineffective at achieving compliance, specifically because the agency consistently chose to take little or no action against violators. From 2006 through 2008, during re-inspection of 4,250 violators, inspectors found that 2,416 repeatedly violated the Animal Welfare Act. Additionally, the OIG found that USDA inspectors failed to properly cite violations, resulting in inadequate follow up inspections.

To illustrate just how serious and pervasive this issue is, the ASPCA created a consumer tool on NoPetStorePuppies.com that allows the public to see inside USDA licensed breeding facilities. The site includes over 10,000 photos taken inside licensed facilities by the USDA during routine inspections. In many cases, we were able to draw a direct link from particular pet stores to the breeders who have supplied them with puppies within the last year, with the ultimate goal of allowing consumers to see, first-hand, where pet stores in their area are obtaining the puppies they sell. The binder that you have in front of you today provides just a few examples of the systemic mistreatment of dogs that is occurring daily in USDA licensed facilities. It's important to note that all of the facilities you see pictures of in that binder are still in business and still selling puppies to pet stores across the US, including in New York City.

While it seems apparent that USDA licensure does not equate with humane treatment, unfortunately, public perception is that it does. The ASPCA polled the public to find out whether knowing that a breeder is "USDA licensed" gives consumers confidence that the breeder is treating their dogs humanely. 71% of people were confident that it does. However, when probed further about the specific treatment allowed under the federal Animal Welfare Act, overwhelming majorities found those practices to be inhumane. So people think "USDA licensed" means humane, but they don't really know what that means. Allowing pet

stores to sell puppies from these facilities unchecked, would be akin to allowing them to mislead consumers.

Perhaps not surprisingly, state regulation of pet dealers falls short as well. Although lofty in its intent, the “Pet Dealer Consumer Protection and Animal Care Standards Act” has failed to live up to the purposes for which it was enacted. The New York State Department of Agriculture and Markets (NYSDAM), charged with administering the pet dealer licensing law, has never been provided with the necessary resources to maintain a viable pet dealer inspection program. Indeed, the administrative costs to operate the program consistently far exceed licensing revenues derived from enforcement – at times at a ratio of approximately 9 to 1. Over the last 5 years, 800 failed pet dealer inspections resulted in monetary penalties only 49 times and only one facility being shut down.

In short, neither state nor federal law provide New Yorkers with the assurance that the puppies they purchase from pet stores and breeders come from sources where dogs are raised and maintained in the safe and healthy environment.

The City of New York is uniquely poised to ensure that puppies purchased in pet stores by consumers in New York City are raised and maintained in a healthy and safe manner. Therefore we urge you to adopt strong, clear, and enforceable standards that will ultimately keep puppy mill puppies out of New York City's pet stores.

NY City Council Int 55-April 30th, 2014

[Int 0055-2014, A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.]

Good Afternoon. I'm Zelda Penzel, Director of Outreach for the League of Humane Voters of NY, Co-founder of SOS: Save Our Shelter Animals, here today to oppose passage of Intro 55 in its present form and I'll tell you why.

1. It's a terribly flawed bill which endorses the continued sale of "puppy mill" dogs and cats, via *large-scale* "breeders", those who sell as many as 50 animals a year and whose mass, commercial, breeding operations are virtually indistinguishable from the wretched hell-holes, we call "puppy and kitten mills". *These are not "hobby breeders" with animals sleeping on their beds at night. They are by their very nature and definition, cruel and indistinguishable from puppy mills.*
2. USDA standards for breeders and puppy mills are *minimal and enforcement is negligible*; and surely it's not just the number of animals sold, but rather, the conditions under which they're kept, generally ranging from unspeakable to inhumane, that's unacceptable here. These dogs and cats are considered nothing more than profitable "breeding machines", "cash cows", and that's how they're treated.

The reason we all fought for home rule, was to enable the city to legally cut off the pipeline of large scale breeder and puppy mill cats, dogs, rabbits. And while any law passed by the Council "*may not result in essentially banning all pet shop sales of dogs and cats raised and maintained in a healthy and safe manner ...*" it's our position that *none* of the animals coming from "breeders", as defined in Intr 55, have in fact, been "raised and maintained in a healthy and safe manner". The very nature and purpose of all such mass breeding facilities make it impractical, uneconomical and impossible to raise animals in a "healthy and safe manner".

- 3 Moreover, this bill, unlike those passed in Chicago, Los Angeles, Toronto, and other cities, which permit the sale in pet stores *ONLY* of animals from shelters and 501c3 rescues, will do nothing to save the precious lives of animals dying in our shelters but will instead, ensure a steady supply of kittens and puppies from "mills" to pet stores, and continue to add to the glut of animals already out there.
3. With a playing field that allows the City, for the first time ever, to regulate conditions and animals that can be sold in pet stores, Intr 55 has aimed incredibly low and set the bar far below what's acceptable to New Yorkers. By setting down its own definitions and requirements, the City Council *has the power* to determine that animals sold in pet stores must be required to come from shelters and 501c3 rescue groups since conditions at all large-

scale breeding facilities are fundamentally unhealthy and unsafe. One has only to view on the internet the rampant neglect and cruelty endemic in these concentration camps, as evidenced in raids and undercover exposes by the ASPCA, HSUS, and others, which attest to the misery, unhealthy conditions and cruelty of all such mass breeding facilities.

- 4. In its present form, Intro 55 will codify and enshrine in law the further commodification of animals by those who unconscionably profit from the reproductive systems and suffering of cats, dogs, as well as rabbits, who are not even mentioned in this bill. In the 21st century, we can do better! Shame on NYC if we allow such a flawed and regressive bill to pass.**

The following is a commonly accepted understanding of what a kitten or puppy mill is, and by extension, that of large-scale "breeders":

Any place, person or business that for profit:

- 1. Breeds more than one dog or cat at a time.**
- 2. Sells puppies or kittens in volume, without screening of the purchaser.**
- 3. Sells these animals to retail pet stores, online and to puppy re-sellers.**
- 4. Engages in sub-standard breeding practices which lead to genetic defects or hereditary disorders; supplies erroneous or falsified certificates of registration, pedigrees, and/or genetic background.**

And/or any place, person or business that keeps their dogs, cats, kittens and puppies:

- 1. Unsocialized and isolated from human interaction, i.e.: exclusively in kennels, sheds, garages, trailers, pens, basements and closets; unable to exercise, play, interact and move about freely.**
- 2. In sub-standard conditions, generally accepted by the public to be dirty and unhealthy, i.e.: in cages and/or buildings that lack light, adequate heat and ventilation; outside in rain and cold; in mud; feces and urine.**
- 3. Without regular veterinary care, access to clean water, nutritionally well-balanced and healthy diets and exercise.**
- 4. In a condition generally accepted by veterinarians as unhealthy; with evidence of skin, ear, eye, genital and urinary tract infections; rotten and broken teeth; overgrown nails; matted coats; parasitic infestations; and other diseases and unhealthy conditions.**

NB: These conditions may also exist in small volume or single-breed establishments, and this is what you are endorsing with Intro 55 .

Thank you for giving serious consideration to these proposals and concerns.

Zelda Penzel : zpenzel@twcmetrobiz.com

212-475-2708



RESPONSIBLE DOG OWNERS ASSOCIATION OF NEW YORK
an AKC Federation
Director: Ms. Ann Lettis
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April 30, 2014

City Council Members:

Johnson; Arroyo; Mendez; Eugene; Koo; Van Bramer; Barron; Comegy and Espinal

I am Ann Lettis the Director of Responsible Dog Owners Assoc. of NY. During the past 30 years my involvement in canine legislation has been to network throughout NYS information on proposed laws to either support or oppose. The recent introduction of No. 136; 146; 73 and 55 raise a great deal of concern for responsible dog owners within our five (5) Boroughs.

None of these proposed laws provide any definition of a "responsible hobby breeder". No.136 calls for the early sterilization of animals, attached is information as to the benefits and harmful effects of such a procedure, note that the harmful effects are far greater. Within No.136 there is a stipulation that any animal released from a pet shop have this procedure done, however a consumer can present to the pet shop a letter from his/her veterinarian as to why such animal should not be sterilized until a later specified date. Ultimately the consumer has to ensure that within four (4) months this procedure has in fact been done. If a pet shop cannot release an animal that is not sterilized, then how can the consumer's veterinarian make any determination about the animal? Would the consumer's veterinarian be expected to visit the pet shop to make a decision? Who will even check on the animal after four (4) months to see if in fact it has been sterilized?

Within the same proposed law is a statement that the pet shop must have the consumer complete an application for a dog license at the time of purchase. Now suppose the consumers check should bounce who is responsible for that? Additionally the license application can be disregarded if the purchaser submits a statement that the dog will be harbored outside of the city. Exactly who is going to check to see where the dog is living once it leave the pet shop. Again how would this be enforced?

In No. 55 however, there is entirely different wording with regard to a dog license, no mention that this should even be a responsibility of the pet shop. Further in No. 55 the definition of high volume breeder even includes a person who has an interest in or custody of one or more breeding female dogs or cats and who sells or offers for sale via basically any means. What is the definition of a "breeding female"? Just because a female dog is not spayed, does that mean she is considered a breeding female? I would venture to say that many responsible breeders like myself do have a co-ownership specifically because of their interest which is to protect female dogs which they have bred. Hobby breeders of good quality dogs, healthy and good temperaments will have a co-ownership of all female dogs they have bred. Simply because this enables a responsible breeder to help carefully select and decide who from their line should be bred and to whom they are bred to ensuring continued soundness and good temperaments.

While breeders are subject to inspection by the American Kennel Club and pet shops are inspected by the USDA, who inspects shelters? I have attached two (2) articles relating to the increasing problem that is caused by shelters importing dogs from other countries and other states. Not only is the shelter population then blamed on breeders, and puppy mills, but worse problems occur because there are no health inspections of what is brought into shelters. When the media mentions the wonderful stories about how dogs are brought into our NYS shelters while some individuals may get a warm and fuzzy feeling about this, I personally find it appalling. A few years ago thirty (33) dogs were brought into our shelters from TN. Why in the entire state of TN could homes and care be given to these dogs, why is NY given the responsibility of this? You will note one of the articles regarding shelters brings to light how importing dogs from other state and countries is beneficial to some shelters. Beneficial not simply that they have puppies to adopt out (and it usually is puppies), but beneficially financially.

If there are problems with canine population I respectfully ask that research be done in all areas of the canine world, including shelters. Should you seek any further information, or wish to discuss any solutions to problems that may be the root for these proposed laws, please feel free to contact me.

Respectfully,



Responsible Dog Owners Association of NY

Ann Lettis

91 Wiman Avenue, Staten Island, NY 10308 - phone 917-603-5358

annlettis2001@gmail.com or lettian@ffhsj.com

Occupation

- Administrative Assistant at Fried, Frank, Harris, Shriver & Jacobson LLP, for the past thirty-three (33) years

Current Canine and non-canine related clubs/organizations:

- Director – Responsible Dog Owners Association of New York (an American Kennel Club (“AKC”) Federation))
- AKC Delegate representing the Grand River Kennel Club
- Legislative Liaison for Westbury Kennel Association
- AKC Canine Ambassador
- Lifetime member of the U.S. War Dog Association
- Member of: Owner/Handlers Association; Westbury Kennel Club; Somerset Kennel Club and Suffolk County Kennel Club, Staffordshire Bull Terrier Club of America
- Charter member Smithsonian National Museum of the American Indian

Hobby:

- Exhibiting dogs in the conformation ring
- Writing articles for canine publications

Breeds owned in the past:

- Mixed-breeds
- Boston Terriers
- Boxers
- American Staffordshire Terriers

Current breed:

- Staffordshire Bull Terriers

Involved in canine legislation for the past 30 years, during that time I have worked with Senator Skelos staff on the current NYS Dangerous Dog Law and Carolyn Maloney (then City Council Member) on the NYC Dangerous Dog Law.

Prior to 9/11 along with my dogs, visited approximately 15 schools on Staten Island, doing presentations to teach young children how to be responsible dog owners, safe around dogs, and helpful hints to children who are afraid of dogs.

My dogs and I were part of a therapy dog visitation program at Bronx VA Hospital, and Edgar Nursing Home on Staten Island for many years. With my dogs I worked with autistic children at Eden II on SI, to help overcome their dog phobia.

I had attended the AKC’s Lobby Day in D.C. for the 5 years it was held. This included seminars and meetings with our respective representatives to discuss canine welfare issues on a federal level.

Two-time recipient of the AKC’s Community Service Award.

My Staffordshire Bull Terrier and I are featured in an award winning video, “Safety Around Dogs, Your Safety Begins With You.” This is a free video, and although the child actors were used, the entire video was based on the actual presentations that were done at SI schools.

My last litter was in 2001 and that was my third litter in over 25 years.

Assist at the AKC’s Government Relations Booth during the Meet the Breeds 2 day event each year at the Javits Center. In addition to providing information to the public this involves meeting and greeting the numerous legislators who attend from NJ, NY and CT

Long-Term Health Risks and Benefits Associated with Spay / Neuter in Dogs

Laura J. Sanborn, M.S.

May 14, 2007

Precis

At some point, most of us with an interest in dogs will have to consider whether or not to spay / neuter our pet. Tradition holds that the benefits of doing so at an early age outweigh the risks. Often, tradition holds sway in the decision-making process even after countervailing evidence has accumulated.

Ms Sanborn has reviewed the veterinary medical literature in an exhaustive and scholarly treatise, attempting to unravel the complexities of the subject. More than 50 peer-reviewed papers were examined to assess the health impacts of spay / neuter in female and male dogs, respectively. One cannot ignore the findings of increased risk from osteosarcoma, hemangiosarcoma, hypothyroidism, and other less frequently occurring diseases associated with neutering male dogs. It would be irresponsible of the veterinary profession and the pet owning community to fail to weigh the relative costs and benefits of neutering on the animal's health and well-being. The decision for females may be more complex, further emphasizing the need for individualized veterinary medical decisions, not standard operating procedures for all patients.

No sweeping generalizations are implied in this review. Rather, the author asks us to consider all the health and disease information available as individual animals are evaluated. Then, the best decisions should be made accounting for gender, age, breed, and even the specific conditions under which the long-term care, housing and training of the animal will occur.

This important review will help veterinary medical care providers as well as pet owners make informed decisions. Who could ask for more?

Larry S. Katz, PhD
Associate Professor and Chair
Animal Sciences
Rutgers University
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INTRODUCTION

Dog owners in America are frequently advised to spay/neuter their dogs for health reasons. A number of health benefits are cited, yet evidence is usually not cited to support the alleged health benefits.

When discussing the health impacts of spay/neuter, health risks are often not mentioned. At times, some risks are mentioned, but the most severe risks usually are not.

This article is an attempt to summarize the long-term health risks and benefits associated with spay/neuter in dogs that can be found in the veterinary medical literature. This article will not discuss the impact of spay/neuter on population control, or the impact of spay/neuter on behavior.

Nearly all of the health risks and benefits summarized in this article are findings from retrospective epidemiological research studies of dogs, which examine potential associations by looking backwards in time. A few are from prospective research studies, which examine potential associations by looking forward in time.

SUMMARY

An objective reading of the veterinary medical literature reveals a complex situation with respect to the long-term health risks and benefits associated with spay/neuter in dogs. The evidence shows that spay/neuter

correlates with both positive AND adverse health effects in dogs. It also suggests how much we really do not yet understand about this subject.

On balance, it appears that no compelling case can be made for neutering most male dogs, especially immature male dogs, in order to prevent future health problems. The number of health problems associated with neutering may exceed the associated health benefits in most cases.

On the positive side, neutering male dogs

- eliminates the small risk (probably <1%) of dying from testicular cancer
- reduces the risk of non-cancerous prostate disorders
- reduces the risk of perianal fistulas
- may possibly reduce the risk of diabetes (data inconclusive)

On the negative side, neutering male dogs

- if done before 1 year of age, significantly increases the risk of osteosarcoma (bone cancer); this is a common cancer in medium/large and larger breeds with a poor prognosis.
- increases the risk of cardiac hemangiosarcoma by a factor of 1.6
- triples the risk of hypothyroidism
- increases the risk of progressive geriatric cognitive impairment
- triples the risk of obesity, a common health problem in dogs with many associated health problems
- quadruples the small risk (<0.6%) of prostate cancer
- doubles the small risk (<1%) of urinary tract cancers
- increases the risk of orthopedic disorders
- increases the risk of adverse reactions to vaccinations

For female dogs, the situation is more complex. The number of health benefits associated with spaying may exceed the associated health problems in some (not all) cases. On balance, whether spaying improves the odds of overall good health or degrades them probably depends on the age of the female dog and the relative risk of various diseases in the different breeds.

On the positive side, spaying female dogs

- if done before 2.5 years of age, greatly reduces the risk of mammary tumors, the most common malignant tumors in female dogs
- nearly eliminates the risk of pyometra, which otherwise would affect about 23% of intact female dogs; pyometra kills about 1% of intact female dogs
- reduces the risk of perianal fistulas
- removes the very small risk ($\leq 0.5\%$) from uterine, cervical, and ovarian tumors

On the negative side, spaying female dogs

- if done before 1 year of age, significantly increases the risk of osteosarcoma (bone cancer); this is a common cancer in larger breeds with a poor prognosis
- increases the risk of splenic hemangiosarcoma by a factor of 2.2 and cardiac hemangiosarcoma by a factor of >5; this is a common cancer and major cause of death in some breeds
- triples the risk of hypothyroidism
- increases the risk of obesity by a factor of 1.6-2, a common health problem in dogs with many associated health problems
- causes urinary "spay incontinence" in 4-20% of female dogs
- increases the risk of persistent or recurring urinary tract infections by a factor of 3-4
- increases the risk of recessed vulva, vaginal dermatitis, and vaginitis, especially for female dogs spayed before puberty
- doubles the small risk (<1%) of urinary tract tumors
- increases the risk of orthopedic disorders
- increases the risk of adverse reactions to vaccinations

One thing is clear – much of the spay/neuter information that is available to the public is unbalanced and contains claims that are exaggerated or unsupported by evidence. Rather than helping to educate pet

owners, much of it has contributed to common misunderstandings about the health risks and benefits associated of spay/neuter in dogs.

The traditional spay/neuter age of six months as well as the modern practice of pediatric spay/neuter appear to predispose dogs to health risks that could otherwise be avoided by waiting until the dog is physically mature, or perhaps in the case of many male dogs, foregoing it altogether unless medically necessary.

The balance of long-term health risks and benefits of spay/neuter will vary from one dog to the next. Breed, age, and gender are variables that must be taken into consideration in conjunction with non-medical factors for each individual dog. Across-the-board recommendations for all pet dogs do not appear to be supportable from findings in the veterinary medical literature.

FINDINGS FROM STUDIES

This section summarizes the diseases or conditions that have been studied with respect to spay/neuter in dogs.

Complications from Spay/Neuter Surgery

All surgery incurs some risk of complications, including adverse reactions to anesthesia, hemorrhage, inflammation, infection, etc. Complications include only immediate and near term impacts that are clearly linked to the surgery, not to longer term impacts that can only be assessed by research studies.

At one veterinary teaching hospital where complications were tracked, the rates of intraoperative, postoperative and total complications were 6.3%, 14.1% and 20.6%, respectively as a result of spaying female dogs¹. Other studies found a rate of total complications from spaying of 17.7%² and 23%³. A study of Canadian veterinary private practitioners found complication rates of 22% and 19% for spaying female dogs and neutering male dogs, respectively⁴.

Serious complications such as infections, abscesses, rupture of the surgical wound, and chewed out sutures were reported at a 1- 4% frequency, with spay and castration surgeries accounting for 90% and 10% of these complications, respectively.⁴

The death rate due to complications from spay/neuter is low, at around 0.1%².

Prostate Cancer

Much of the spay/neuter information available to the public asserts that neutering will reduce or eliminate the risk that male dogs develop prostate cancer. This would not be an unreasonable assumption, given that prostate cancer in humans is linked to testosterone. But the evidence in dogs does not support this claim. In fact, the strongest evidence suggests just the opposite.

There have been several conflicting epidemiological studies over the years that found either an increased risk or a decreased risk of prostate cancer in neutered dogs. These studies did not utilize control populations, rendering these results at best difficult to interpret. This may partially explain the conflicting results.

More recently, two retrospective studies were conducted that did utilize control populations. One of these studies involved a dog population in Europe⁵ and the other involved a dog population in America⁶. Both studies found that neutered male dogs have a four times *higher* risk of prostate cancer than intact dogs.

Based on their results, the researchers suggest a cause-and-effect relationship: "this suggests that castration does not initiate the development of prostatic carcinoma in the dog, but does favor tumor progression"⁵ and also "Our study found that most canine prostate cancers are of ductal/urothelial origin....The relatively low incidence of prostate cancer in intact dogs may suggest that testicular hormones

are in fact protective against ductal/urothelial prostatic carcinoma, or may have indirect effects on cancer development by changing the environment in the prostate."⁶

This needs to be put in perspective. Unlike the situation in humans, prostate cancer is uncommon in dogs. Given an incidence of prostate cancer in dogs of less than 0.6% from necropsy studies⁷, it is difficult to see that the risk of prostate cancer should factor heavily into most neutering decisions. There is evidence for an increased risk of prostate cancer in at least one breed (Bouvier)⁵, though very little data so far to guide us in regards to other breeds.

Testicular Cancer

Since the testicles are removed with neutering, castration removes any risk of testicular cancer (assuming the castration is done before cancer develops). This needs to be compared to the risk of testicular cancer in intact dogs.

Testicular tumors are not uncommon in older intact dogs, with a reported incidence of 7%⁸. However, the prognosis for treating testicular tumors is very good owing to a low rate of metastasis⁹, so testicular cancer is an uncommon cause of death in intact dogs. For example, in a Purdue University breed health survey of Golden Retrievers¹⁰, deaths due to testicular cancer were sufficiently infrequent that they did not appear on list of significant causes of "Years of Potential Life Lost for Veterinary Confirmed Cause of Death" even though 40% of GR males were intact. Furthermore, the GRs who were treated for testicular tumors had a 90.9% cure rate. This agrees well with other work that found 6-14% rates of metastasis for testicular tumors in dogs¹¹.

The high cure rate of testicular tumors combined with their frequency suggests that fewer than 1% of intact male dogs will die of testicular cancer.

In summary, though it may be the most common reason why many advocate neutering young male dogs, the risk from life threatening testicular cancer is sufficiently low that neutering most male dogs to prevent it is difficult to justify.

An exception might be bilateral or unilateral cryptorchids, as testicles that are retained in the abdomen are 13.6 times more likely to develop tumors than descended testicles¹² and it is also more difficult to detect tumors in undescended testicles by routine physical examination.

Osteosarcoma (Bone Cancer)

A multi-breed case-control study of the risk factors for osteosarcoma found that spay/neutered dogs (males or females) had twice the risk of developing osteosarcoma as did intact dogs¹³.

This risk was further studied in Rottweilers, a breed with a relatively high risk of osteosarcoma. This retrospective cohort study broke the risk down by age at spay/neuter, and found that the elevated risk of osteosarcoma is associated with spay/neuter of young dogs¹⁴. Rottweilers spayed/neutered before one year of age were 3.8 (males) or 3.1 (females) times more likely to develop osteosarcoma than intact dogs. Indeed, the combination of breed risk and early spay/neuter meant that Rottweilers spayed/neutered before one year of age had a 28.4% (males) and 25.1% (females) risk of developing osteosarcoma. These results are consistent with the earlier multi-breed study¹³ but have an advantage of assessing risk as a function of age at neuter. A logical conclusion derived from combining the findings of these two studies is that spay/neuter of dogs before 1 year of age is associated with a significantly increased risk of osteosarcoma.

The researchers suggest a cause-and-effect relationship, as sex hormones are known to influence the maintenance of skeletal structure and mass, and also because their findings showed an inverse relationship between time of exposure to sex hormones and risk of osteosarcoma.¹⁴

The risk of osteosarcoma increases with increasing breed size and especially height¹³. It is a common cause of death in medium/large, large, and giant breeds. Osteosarcoma is the third most common cause of death in Golden Retrievers¹⁰ and is even more common in larger breeds¹³.

Given the poor prognosis of osteosarcoma and its frequency in many breeds, spay/neuter of immature dogs in the medium/large, large, and giant breeds is apparently associated with a significant and elevated risk of death due to osteosarcoma.

Mammary Cancer (Breast Cancer)

Mammary tumors are by far the most common tumors in intact female dogs, constituting some 53% of all malignant tumors in female dogs in a study of dogs in Norway¹⁵ where spaying is much less common than in the USA.

50-60% of mammary tumors are malignant, for which there is a significant risk of metastasis¹⁶. Mammary tumors in dogs have been found to have estrogen receptors¹⁷, and the published research¹⁸ shows that the relative risk (odds ratio) that a female will develop mammary cancer compared to the risk in intact females is dependent on how many estrus cycles she experiences:

# of estrus cycles before spay	Odds Ratio
None	0.005
1	0.08
2 or more	0.26
Intact	1.00

The same data when categorized differently showed that the relative risk (odds ratio) that females will develop mammary cancer compared to the risk in intact females indicated that:

Age at Spaying	Odds Ratio
≤ 29 months	0.06
≥ 30 months	0.40 (not statistically significant at the P<0.05 level)
Intact	1.00

Please note that these are RELATIVE risks. This study has been referenced elsewhere many times but the results have often been misrepresented as absolute risks.

A similar reduction in breast cancer risk was found for women under the age of 40 who lost their estrogen production due to "artificial menopause"¹⁹ and breast cancer in humans is known to be estrogen activated.

Mammary cancer was found to be the 10th most common cause of years of lost life in Golden Retrievers, even though 86% of female GRs were spayed, at a median age of 3.4 yrs¹⁰. Considering that the female subset accounts for almost all mammary cancer cases, it probably would rank at about the 5th most common cause of years of lost life in female GRs. It would rank higher still if more female GRs had been kept intact up to 30 months of age.

Boxers, cocker spaniels, English Springer spaniels, and dachshunds are breeds at high risk of mammary tumors¹⁵. A population of mostly intact female Boxers was found to have a 40% chance of developing mammary cancer between the ages of 6-12 years of age¹⁵. There are some indications that purebred dogs may be at higher risk than mixed breed dogs, and purebred dogs with high inbreeding coefficients may be at higher risk than those with low inbreeding coefficients²⁰. More investigation is required to determine if these are significant.

In summary, spaying female dogs significantly reduces the risk of mammary cancer (a common cancer), and the fewer estrus cycles experienced at least up to 30 months of age, the lower the risk will be.

Female Reproductive Tract Cancer (Uterine, Cervical, and Ovarian Cancers)

Uterine/cervical tumors are rare in dogs, constituting just 0.3% of tumors in dogs²¹.

Spaying will remove the risk of ovarian tumors, but the risk is only 0.5%²².

While spaying will remove the risk of reproductive tract tumors, it is unlikely that surgery can be justified to prevent the risks of uterine, cervical, and ovarian cancers as the risks are so low.

Urinary Tract Cancer (Bladder and Urethra Cancers)

An age-matched retrospective study found that spay/neuter dogs were two times more likely to develop lower urinary tract tumors (bladder or urethra) compared to intact dogs²³. These tumors are nearly always malignant, but are infrequent, accounting for less than 1% of canine tumors. So this risk is unlikely to weigh heavily on spay/neuter decisions.

Airedales, Beagles, and Scottish Terriers are at elevated risk for urinary tract cancer while German Shepherds have a lower than average risk²³.

Hemangiosarcoma

Hemangiosarcoma is a common cancer in dogs. It is a major cause of death in some breeds, such as Salukis, French Bulldogs, Irish Water Spaniels, Flat Coated Retrievers, Golden Retrievers, Boxers, Afghan Hounds, English Setters, Scottish Terriers, Boston Terriers, Bulldogs, and German Shepherd Dogs²⁴.

In an age-matched case controlled study, spayed females were found to have a 2.2 times higher risk of splenic hemangiosarcoma compared to intact females²⁴.

A retrospective study of cardiac hemangiosarcoma risk factors found a >5 times greater risk in spayed female dogs compared to intact female dogs and a 1.6 times higher risk in neutered male dogs compared to intact male dogs.²⁵ The authors suggest a protective effect of sex hormones against hemangiosarcoma, especially in females.

In breeds where hemangiosarcoma is an important cause of death, the increased risk associated with spay/neuter is likely one that should factor into decisions on whether or when to sterilize a dog.

Hypothyroidism

Spay/neuter in dogs was found to be correlated with a three fold increased risk of hypothyroidism compared to intact dogs.²⁶

The researchers suggest a cause-and-effect relationship: They wrote: "More important [than the mild direct impact on thyroid function] in the association between [spaying and] neutering and hypothyroidism may be the effect of sex hormones on the immune system. Castration increases the severity of autoimmune thyroiditis in mice" which may explain the link between spay/neuter and hypothyroidism in dogs.

Hypothyroidism in dogs causes obesity, lethargy, hair loss, and reproductive abnormalities.²⁷

The lifetime risk of hypothyroidism in breed health surveys was found to be 1 in 4 in Golden Retrievers¹⁰, 1 in 3 in Akitas²⁸, and 1 in 13 in Great Danes²⁹.

Obesity

Owing to changes in metabolism, spay/neuter dogs are more likely to be overweight or obese than intact dogs. One study found a two fold increased risk of obesity in spayed females compared to intact females³⁰. Another study found that spay/neuter dogs were 1.6 (females) or 3.0 (males) times more likely to be obese than intact dogs, and 1.2 (females) or 1.5 (males) times more likely to be overweight than intact dogs³¹.

A survey study of veterinary practices in the UK found that 21% of dogs were obese.³⁰

Being obese and/or overweight is associated with a host of health problems in dogs. Overweight dogs are more likely to be diagnosed with hyperadrenocorticism, ruptured cruciate ligament, hypothyroidism, lower urinary tract disease, and oral disease³². Obese dogs are more likely to be diagnosed with hypothyroidism, diabetes mellitus, pancreatitis, ruptured cruciate ligament, and neoplasia (tumors)³².

Diabetes

Some data indicate that neutering doubles the risk of diabetes in male dogs, but other data showed no significant change in diabetes risk with neutering³³. In the same studies, no association was found between spaying and the risk of diabetes.

Adverse Vaccine Reactions

A retrospective cohort study of adverse vaccine reactions in dogs was conducted, which included allergic reactions, hives, anaphylaxis, cardiac arrest, cardiovascular shock, and sudden death. Adverse reactions were 30% more likely in spayed females than intact females, and 27% more likely in neutered males than intact males³⁴.

The investigators discuss possible cause-and-effect mechanisms for this finding, including the roles that sex hormones play in body's ability to mount an immune response to vaccination.³⁴

Toy breeds and smaller breeds are at elevated risk of adverse vaccine reactions, as are Boxers, English Bulldogs, Lhasa Apsos, Weimaraners, American Eskimo Dogs, Golden Retrievers, Basset Hounds, Welsh Corgis, Siberian Huskies, Great Danes, Labrador Retrievers, Doberman Pinschers, American Pit Bull Terriers, and Akitas.³⁴ Mixed breed dogs were found to be at lower risk, and the authors suggest genetic heterogeneity (hybrid vigor) as the cause.

Urogenital Disorders

Urinary incontinence is common in spayed female dogs, which can occur soon after spay surgery or after a delay of up to several years. The incidence rate in various studies is 4-20%^{35, 36, 37} for spayed females compared to only 0.3% in intact females³⁸. Urinary incontinence is so strongly linked to spaying that it is commonly called "spay incontinence" and is caused by urethral sphincter incompetence³⁹, though the biological mechanism is unknown. Most (but not all) cases of urinary incontinence respond to medical treatment, and in many cases this treatment needs to be continued for the duration of the dog's life.⁴⁰

A retrospective study found that persistent or recurring urinary tract (bladder) infections (UTIs) were 3-4 times more likely in spayed female dogs than in intact females⁴¹. Another retrospective study found that female dogs spayed before 5 ½ months of age were 2.76 times more likely to develop UTIs compared to those spayed after 5 ½ months of age.⁴²

Depending on the age of surgery, spaying causes abnormal development of the external genitalia. Spayed females were found to have an increased risk of recessed vulva, vaginal dermatitis, vaginitis, and UTIs.⁴³ The risk is higher still for female dogs spayed before puberty.⁴³

Pyometra (Infection of the Uterus)

Pet insurance data in Sweden (where spaying is very uncommon) found that 23% of all female dogs developed pyometra before 10 years of age⁴⁴. Bernese Mountain dogs, Rottweilers, rough-haired Collies, Cavalier King Charles Spaniels and Golden Retrievers were found to be high risk breeds⁴⁴. Female dogs that have not whelped puppies are at elevated risk for pyometra⁴⁵. Rarely, spayed female dogs can develop "stump pyometra" related to incomplete removal of the uterus.

Pyometra can usually be treated surgically or medically, but 4% of pyometra cases led to death⁴⁴. Combined with the incidence of pyometra, this suggests that about 1% of intact female dogs will die from pyometra.

Perianal Fistulas

Male dogs are twice as likely to develop perianal fistulas as females, and spay/neutered dogs have a decreased risk compared to intact dogs⁴⁵.

German Shepherd Dogs and Irish Setters are more likely to develop perianal fistulas than are other breeds.⁴⁶

Non-cancerous Disorders of the Prostate Gland

The incidence of benign prostatic hypertrophy (BPH, enlarged prostate) increases with age in intact male dogs, and occurs in more than 80% of intact male dogs older than the age of 5 years⁴⁷. Most cases of BPH cause no problems, but in some cases the dog will have difficulty defecating or urinating.

Neutering will prevent BPH. If neutering is done after the prostate has become enlarged, the enlarged prostate will shrink relatively quickly.

BPH is linked to other problems of the prostate gland, including infections, abscesses, and cysts, which can sometimes have serious consequences.

Orthopedic Disorders

In a study of beagles, surgical removal of the ovaries (as happens in spaying) caused an increase in the rate of remodeling of the ilium (pelvic bone)⁴⁸, suggesting an increased risk of hip dysplasia with spaying. Spaying was also found to cause a net loss of bone mass in the spine⁴⁹.

Spay/neuter of immature dogs delays the closure of the growth plates in bones that are still growing, causing those bones to end up significantly longer than in intact dogs or those spay/neutered after maturity⁵⁰. Since the growth plates in various bones close at different times, spay/neuter that is done after some growth plates have closed but before other growth plates have closed might result in a dog with unnatural proportions, possibly impacting performance and long term durability of the joints.

Spay/neuter is associated with a two fold increased risk of cranial cruciate ligament rupture⁵¹. Perhaps this is associated with the increased risk of obesity⁵⁰.

Spay/neuter before 5 ½ months of age is associated with a 70% increased aged-adjusted risk of hip dysplasia compared to dogs spayed/neutered after 5 ½ months of age, though there were some indications that the former may have had a lower severity manifestation of the disease⁴². The researchers suggest "it is possible that the increase in bone length that results from early-age gonadectomy results in changes in joint conformation, which could lead to a diagnosis of hip dysplasia."

In a breed health survey study of Airedales, spay/neuter dogs were significantly more likely to suffer hip dysplasia as well as "any musculoskeletal disorder", compared to intact dogs⁵², however possible confounding factors were not controlled for, such as the possibility that some dogs might have been spayed/neutered because they had hip dysplasia or other musculoskeletal disorders.

Compared to intact dogs, another study found that dogs neutered six months prior to a diagnosis of hip dysplasia were 1.5 times as likely to develop clinical hip dysplasia.⁵³

Compared to intact dogs, spayed/neutered dogs were found to have a 3.1 fold higher risk of patellar luxation.⁵⁴

Geriatric Cognitive Impairment

Neutered male dogs and spayed female dogs are at increased risk of progressing from mild to severe geriatric cognitive impairment compared to intact male dogs⁵⁵. There weren't enough intact geriatric females available for the study to determine their risk.

Geriatric cognitive impairment includes disorientation in the house or outdoors, changes in social interactions with human family members, loss of house training, and changes in the sleep-wake cycle⁵⁵.

The investigators state "This finding is in line with current research on the neuro-protective roles of testosterone and estrogen at the cellular level and the role of estrogen in preventing Alzheimer's disease in human females. One would predict that estrogens would have a similar protective role in the sexually intact female dogs; unfortunately too few sexually intact female dogs were available for inclusion in the present study to test the hypothesis"⁵⁵

CONCLUSIONS

An objective reading of the veterinary medical literature reveals a complex situation with respect to the long-term health risks and benefits associated with spay/neuter in dogs. The evidence shows that spay/neuter correlates with both positive AND adverse health effects in dogs. It also suggests how much we really do not yet understand about this subject.

On balance, it appears that no compelling case can be made for neutering most male dogs to prevent future health problems, especially immature male dogs. The number of health problems associated with neutering may exceed the associated health benefits in most cases.

For female dogs, the situation is more complex. The number of health benefits associated with spaying may exceed the associated health problems in many (not all) cases. On balance, whether spaying improves the odds of overall good health or degrades them probably depends on the age of the dog and the relative risk of various diseases in the different breeds.

The traditional spay/neuter age of six months as well as the modern practice of pediatric spay/neuter appear to predispose dogs to health risks that could otherwise be avoided by waiting until the dog is physically mature, or perhaps in the case of many male dogs, foregoing it altogether unless medically necessary.

The balance of long-term health risks and benefits of spay/neuter will vary from one dog to the next. Breed, age, and gender are variables that must be taken into consideration in conjunction with non-medical factors for each individual dog. Across-the-board recommendations for all dogs do not appear to be supportable from findings in the veterinary medical literature.

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Animal activist watch: Pet traffickers are some sick pups (Mulshine)

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Beach Betty: She's a proud product of a pet store and a puppy farm, but if animal activists had their way I wouldn't have been allowed to buy her. (Paul Mulshine)

Print (http://blog.nj.com/new_jersey_opinion/print.html?entry=2014/04/pet_hoarding_animal_shelters_puppy_farms.html)
Follow on Twitter (<https://twitter.com/Mulshine>)
on April 26, 2014 at 7:59 AM, updated April 26, 2014 at 1:02 PM

Several years ago I noticed a trend. I'd be on the beach with my dog Betty when she'd meet another dog. They'd play and I'd get chatting with the dog's owner. When I'd ask what kind of dog it was, the owner would tell me it was a "rescue dog."

Did some doggie version of the Titanic sink off the Jersey Shore? Nope. It turned out this was a new term for what was known as "a mutt from the pound" when I was a kid.

It was also around that time that I first saw the term "puppy mill." It was on a billboard I saw off the Pennsylvania Turnpike as I was driving to visit a friend of mine who owns a farm in the Amish country.

MORE PAUL MULSHINE

[Animal activist watch: Pet traffickers are some sick pups \(Mulshine\)](http://www.nj.com/opinion/index.ssf/2014/04/pet_hoarding_animal_shelters_puppy_farms.html)

[Inhumane society: Armed SPCA agents handcuff 64-year-old animal lover \(Mulshine\)](http://www.nj.com/opinion/index.ssf/2014/04/inhumane_society_armed_sPCA_agents_handcuff_64-year-old_animal_lover.html)

[Chris Christie acts like scandal was water under the Bridgeline: Mulshine](http://www.nj.com/opinion/index.ssf/2014/04/chris_christie_acts_like_scandal_was_water_under_the_bridgeline.html)

[Cape May County pipeline fight reveals enviros' true motives \(Mulshine\)](http://www.nj.com/opinion/index.ssf/2014/04/cape_may_county_pipeline_fight_reveals_enviros_true_motives.html)

[Bridgeline fallout: Fort Authority should return to its Core mission \(Mulshine\)](http://www.nj.com/opinion/index.ssf/2014/04/bridgeline_fallout_fort_authority_should_return_to_its_core_mission.html)

When I got there, he told me that many of the Amish raise dogs along with their cattle, pigs and chickens.

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The puppies in question are soon sent off to become pampered pets. The other animals are sent off as steaks, chops, and wings. So what were **the activists** (<http://www.prisonersofgreed.org/actions.html>) upset about?

It turns out they were upset that the Amish treated the dogs like animals. That campaign didn't make any more sense to me than the practice of calling pound puppies "rescue dogs."

Reddit The other day I got a call that tied it all together.

It came from a Morris County animal enthusiast by the name of Barbara Reichman who is a member of the **National Animal Interest Alliance**. (<http://www.naiaonline.org/>) a group that advocates for animal owners' rights, as opposed to animal rights.

Reichman's call followed a column I did last week describing how armed officers of the New Jersey Society for the Prevention of Cruelty to Animals **had handcuffed and hauled off to jail** (http://www.nj.com/opinion/index.ssf/2014/04/animal_rights_nj_sPCA_handcuffs_animal_lover_mulshine.html) an 84-year-old Hunterdon County woman who ran a shelter. The SPCA then took control of the shelter and its millions of dollars in assets.

As you can see, there's a lot of scratch in the animal business. That's why the many groups involved often fight like cats and dogs.

And it's money that links the animal "rescue" movement with the effort to shut down those puppy farms, said Reichman. She said the activists want to shut the breeders down so there will be less competition for their pet-trafficking operations.

The people running animal shelters found out some years ago that they had a problem, Reichman said.

"There was a very successful campaign to educate the public that if you are not intent on breeding, you should spay or neuter your pet," she said. "That campaign has worked so well that the shelters in the Northeast generally don't have any puppies anymore."

The shelters could have declared victory and shut up shop. But in 2005 a new field opened up, said Reichman.

"It started innocently enough with Hurricane Katrina," she said. "There were so many animals loose from the storm that people all over the country adopted them. After that died down, I think people realized there was a market. That's when it started."

The "it" in question is a massive and unregulated market in pets. (See an [excellent piece on that here](http://www.naiaonline.org/naia-library/articles/humane-or-insane/) (<http://www.naiaonline.org/naia-library/articles/humane-or-insane/>.)

Many of the dogs come into New Jersey from as far afield as the Caribbean, Mexico ([with diseases](http://www.naiaonline.org/uploads/WhitePapers/ImportationCDCRabies.pdf)) (<http://www.naiaonline.org/uploads/WhitePapers/ImportationCDCRabies.pdf>) and even China.

And it's big business.

"172,113 DOGS NEAR MORRISTOWN, NJ." – excerpt from a for-profit website offering out-of-state dogs for adoption in New Jersey.

Reddit

If you doubt that, go to [Petfinder.com](http://www.petfinder.com) (<http://www.petfinder.com/>). That's a for-profit website run by the Nestlé Purina pet food company.

When I ran a search for dogs, I found there were listed "172,113 DOGS NEAR MORRISTOWN, NJ."

That's a big passel of pooches. Where could all those hounds be housed?

It turns out many are listed as "coming soon" — often from some place like Georgia or Kentucky. Just fill out a form and you can meet your mutt as he is unloaded from a semi-trailer in some parking lot. Don't forget dough, and lots of it. The total cost can be as much as \$850, said Reichman.

As for the real origins of that dog, that's anybody's guess. If it's a Chihuahua, [he might even have come from Chihuahua](http://articles.latimes.com/2004/jul/26/local/me-puppies26). (<http://articles.latimes.com/2004/jul/26/local/me-puppies26>) There are plenty of puppy farms in Mexico, and small dogs are the easiest to get over the border. Dogs from Puerto Rico also end up here, though not always in the best shape.

The NAIA site has [a story from the Puerto Rico Daily Sun](http://www.naiaonline.org/uploads/WhitePapers/PuertoRicanImportTragedy.pdf) (<http://www.naiaonline.org/uploads/WhitePapers/PuertoRicanImportTragedy.pdf>) about 107 puppies that died of distemper on their way from the island to the New York area.

That points to the real problem with the attack on dog breeders [and pet stores](http://www.nbcnews.com/id/37359894/ns/health-pet_health/) (http://www.nbcnews.com/id/37359894/ns/health-pet_health/), which have been banned from selling dogs in many major cities. Under the guise of reducing the population of unwanted dogs, the traffickers are eliminating competition.

In many cities, you can't purchase a puppy from nearby. But a pooch from Puerto Rico is yours for the asking — as long as you pony up.

The only thing that needs to be rescued here is common sense. But that went overboard long ago — and it wasn't wearing a life preserver.

ADD: I seem to be getting a lot of comments from trusting souls who do not think there is big money in pet trafficking. Please read [the link to the NAIA paper](http://www.naiaonline.org/naia-library/articles/humane-or-insane/) (<http://www.naiaonline.org/naia-library/articles/humane-or-insane/>) above. Here's a relevant passage:

Reddit

In the two years since introducing the subject of stray importation, (see /articles/archives/redefining.htm) the practice has taken off, with the result that some animal shelters are clearly operating as pet stores today. Whether they acquire their inventory from distant states or foreign countries or territories, they operate like commercial businesses, not charities formed to serve the public good.

They acquire their stock at little or no cost, advertise their product using time-tested campaigns against 'pet overpopulation,' rotate inventory quickly, restock immediately and bring in staggering amounts of money. Projecting from figures on the web site of one active shelter, gross revenues from imports that include a constant supply of satos, will total more than \$500,000 this year alone!

It is also disturbing to see the animal rights party line being used against breeders to justify importation.

The national veterinarians association (http://naiaonline.org/blog/animal-policy/nasphv-addresses-the-issue-of-unregulated-animal-importation/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+NaiaOfficialBlog+%28NAIA+Official+Blog%29#.U1vh003Dcs) also recognizes the problem.

ALSO: Here's a good piece (<http://www.keenpomeranians.com/WhatIsAPuppyMill.html>) explaining that there is no meaningful definition of the term "puppy mill." The author also demolishes the activists' myth that breeding must

be banned because of overpopulation - while these same activists are importing dogs from foreign countries:

"4. We need to stop buying into the "overpopulation" rhetoric. People want pets and people will have pets. It is a matter of who will supply those pets. We need to focus the public on the value of purebreds over the various doodles and poos and mutts imported from Mexico, Puerto Rico and everywhere else. As long as we talk about "puppy mills" we are missing the boat. Talk about substandard kennels if you like. Talk about conditions. No one approves of dogs badly kept. Talk about diseases brought in by mutts from tropical climates. But don't talk about puppy mills."

Reddit

As for my personal view on animal "rights," I think the concept derives from a basic misunderstanding of the nature of rights. Rights as imagined by the founders are limits on government. My right to free speech is nothing more than a limit on laws that would punish me for speaking.

By that standard, of course, animals can't have rights. Only their owners can. And the right in question is the right to do what you wish with your own property. The animal is that property.

If I ruled the world, the only laws concerning animals would be those whose owners let them become a nuisance to others by barking, defecating, biting, etc. As for the animal's welfare, that is the owner's business, not the government's.

One more thing: Substantial amounts of New Jersey tax dollars are used for animal control. If we're going to pay for this sort of thing we should be paying to control our animals, not animals trucked in from other states and flown in from overseas.

FOR SALE

FOR SALE



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**Humane puppy-trafficking among the glitterati:
Animal Rescue Fund of the Hamptons**

Best Friends Animal Society's latest, most bestest friend is ARF of the Hamptons, a facility unable to find enough local dogs to stay in business, but reports assets and cash on hand in excess of \$13 million at year-end 2009. Yes, some dog rescuers are not exactly cash strapped in Suffolk County's East End, where so much of Jon Cooper's support on IR 1545 comes from:

"Every animal the local animal control can't adopt, ARF takes in. Still, ARF has to import adoptable animals from other parts of the country to keep its shelters from turning into a ghost town. Many of those animals come from Best Friends' Pup My Ride, a program that transports dogs from puppy mills in the Midwest to the Northeast. . .

[. . .]We're never able to get enough of those ["puppy mill"] dogs working locally with our municipal pounds or going into New York," Michele says. "So when Best Friends approached us about taking in all these small breed dogs, we jumped at the chance.

Once the animals go up for adoption, they go very, very quickly."

Based on documents submitted to the New York State Charities Bureau, as a 501(c)3, ARF's 22 acre compound located in Wainscott, New York was valued at a little over \$5 million in 2009. The real estate holdings are exempted from property taxes.

ARF's almost \$7 million in revenue from donations, investments and other sources in 2009? Not taxable.

The almost \$93,000 ARF grossed on dog sales in 2009? Not taxable, either.

All in all, in 2009 -- a freaking tough year for most individuals, businesses and charitable organizations in the United States -- ARF's net worth went from \$8,658,848 to \$13,336,833.

Not bad. Which brings us to another item in Business Management 101:

Flip that inventory

ARF describes with great pathos the "puppy mill" dogs it obtains under unspecified circumstances at unknown cost. Whether they were seized from their owners, surrendered, or bought at auction, ARF tells a story of dogs that suffered from lack of proper veterinary care, forced over-breeding, psychological trauma and various physical ailments. They lived crammed into tiny cages, were never walked, were deprived of human contact and didn't know how to play.



Generally speaking and according to ARF, the dogs they bring into the Hamptons are a wreck.

Nevertheless, also according to ARF, upon arrival in Wainscott they get a bath and grooming, and promptly undergo surgical sterilization. Soon thereafter, an "amazing transformation" occurs which renders them immediately ready and available for life as a pet in the homes of Suffolk County families.

It seems the whole process--from wreck to amazing transformation--usually takes about two weeks. Those small breed "puppy mill" dogs just fly off the shelf.

Nice work if you can get it

As a private, not-for-profit corporation, ARF and other Suffolk shelters and rescues are not required to comply with the humane standards of care required of pet stores and non-residential breeders.

New York State does not routinely inspect shelters and rescues as it does pet stores.

New Yorkers who purchase a pet from a shelter or rescue have no recourse under the state's "puppy lemon law" which only covers dogs purchased at pet stores and from other licensed "pet dealers."

And then there are all the tax advantages enjoyed by 501(c)3's.



Dear New York City Council Members,

APRI does not support "mandatory spay / neuter programs" We recognize however, there may be circumstances where spay / neuter program ought to be encouraged.

Such programs have not shown to effectively work towards projected and desired outcomes.

Veterinary studies also show that early spay neuter programs may be detrimental to a dogs health and physiological growth.

Programs like this may have initiated with good intent. However they continue to be fueled by anti-dog breeding communities for political and personal agendas.

Thank You for your time and consideration.

Michael Glass
National Field Representative, Americas Pet Registry, Inc
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- Previous owner and operator of a Pet Supply, Boarding facility and full service dog and cat grooming business-and a canine grooming competition winner.
- Competition in confirmation and dog obedience. Obedience/communication training offered to public and community events.
- Visitor of hundreds of kennels and Dog Breeder facilities throughout the United States, Canada, Puerto Rico, and a limited number of the same visits in Europe.
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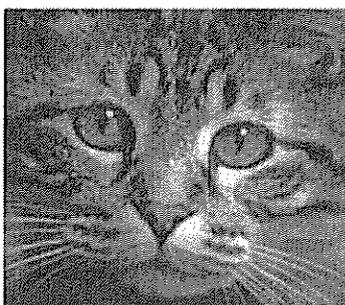
Sincerely,
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EXECUTIVE BOARD COVERAGE

AVMA: Mandatory spay/neuter a bad idea

posted May 1, 200



The AVMA policy on "Dog and Cat Population Control" has been revised to express the Association's nonsupport for regulations or laws mandating spay/neuter of privately owned, nonshelter dogs and cats.

The Animal Welfare Committee recommended the changes to the policy, which reads, in part, as follows: "The AVMA does not support regulations or legislation mandating spay/neuter of privately owned, non-shelter dogs and cats. Although spaying and neutering helps control dog and cat populations, mandatory approaches may contribute to pet owners avoiding licensing, rabies vaccination and veterinary care for their pets, and may have other unintended consequences."

The policy was adopted in November 2004 and considered by the AWC in accord with the five-year review directive. After review and discussion, committee members agreed that the AVMA should not support regulations or legislation mandating spay/neuter of privately owned, nonshelter dogs and cats for a number of reasons, which were provided in the background of the recommended policy changes.

Although spay/neuter is an important part of effective population control programs, and may benefit individual dogs and cats if performed at the appropriate time, whether and when to spay/neuter specific animals requires the application of science and professional judgment to ensure the best outcome for veterinary patients and their owners. Prevention of unexpected litters; reduced incidences of some cancers and reproductive diseases; and prevention and amelioration of certain undesirable behaviors have been documented as benefits to spaying/neutering dogs and cats. However, potential health problems associated with spaying and neutering have also been identified, including an increased risk of prostatic cancer in males; increased risks of bone cancer and hip dysplasia in large-breed dogs associated with sterilization before maturity; and increased incidences of obesity, diabetes, urinary tract infections, urinary incontinence, and hypothyroidism.

There are conflicting reports regarding euthanasia rates and animal control costs achieved in communities that have enacted mandatory spay/neuter.

Mandating spay/neuter can increase canine, feline, and zoonotic disease risks because some people will attempt to avoid detection of their unaltered pets by failing to seek veterinary care.



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NYC

Position Statement on Mandatory Spay/Neuter Laws

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Background

Per capita shelter intake and euthanasia have been in a steady decline nationwide for the past several decades. Research indicates that the main reason for this decline is the increasing incidence of spayed and neutered animals in the pet population (Zawistowski et al., 1998; Irwin, 2001; Clancy & Rowan, 2003). In fact, the veterinary community recently formally acknowledged the importance of safe, efficient, accessible sterilization programs as the "best antidote to the mass euthanasia of cats and dogs resulting from overpopulation" (Looney et al., 2008). There is, however, variation in shelter intake and euthanasia rates across communities as well as a difference between that for dogs and cats. As a result, many communities are currently searching for methods to reach those who are still contributing disproportionately to companion animal overpopulation. Attempts to reduce shelter intake and euthanasia through the passage of legislation mandating the spaying and neutering of companion animals has recently garnered much attention and debate.

To the knowledge of the ASPCA, the only method of population control that has demonstrated long-term efficacy in significantly reducing the number of animals entering animal shelters is the voluntary sterilization of owned pets (Clancy & Rowan 2003; FIREPAW, 2004; Secovich, 2003). There is also evidence that sterilizing very specific, at-risk sub-populations of companion animals, such as feral cats and animals in shelters, can also contribute to reductions in overpopulation (Zawistowski et al., 1998; Clancy & Rowan 2003; Levy et al., 2003; Lord et al., 2006; Natoli et al., 2006). However, the ASPCA is not aware of any credible evidence demonstrating a statistically significant enhancement in the reduction of shelter intake or euthanasia as a result of the implementation of a mandatory spay/neuter law.

Caution must therefore be applied when interpreting existing claims regarding the effects of local mandatory spay/neuter (MSN) laws. First, because per capita shelter intake and euthanasia are in decline due to voluntary spaying and neutering, it is impossible to determine the effect of an MSN law without comparing a community's trends in shelter intake and euthanasia for several years before and after the law was enacted to trends in adjacent, similar communities without MSN legislation. Furthermore, to determine with confidence the effects of any spay/neuter program on the animal population, which naturally fluctuates somewhat from year to year, population trends must be examined over a period sufficiently long to absorb these natural fluctuations. Claims based on one or two years of data can be misleading.

In addition, it is imprudent to generalize about the effects of MSN laws. One reason is that the definition of "mandatory" varies greatly across communities. In some localities, a citation may be issued for any animal over the age of four months seen unaltered, while in other communities, a citation results only when another animal control offense has been committed or if more than one unspayed female lives in the household. Another complication is that it can be extremely difficult for even a veterinary professional to visually determine if an animal, particularly a female, has been sterilized; it would be virtually impossible for an animal control officer to make those determinations in the field. For these reasons, and due to variation across communities in law enforcement funding and personnel support, actual enforcement of MSN laws varies widely, making comparisons between MSN laws or predictions about their impact very difficult.

Another reason for caution when interpreting the effects of MSN legislation is that shelter intake and euthanasia statistics are often presented as a total number of dogs and cats. In some communities, the number of dogs entering and being euthanized in shelters is dropping significantly while the number of cats is declining more slowly or even increasing. Therefore it is critical to examine population and shelter statistics for dogs and cats separately, so that reductions in dog intake and euthanasia do not mask increases in cat intake and euthanasia. This issue is particularly critical in the analysis of the effect of MSN laws, since feral and unowned stray cats continue to represent a substantial proportion of the shelter population and euthanasia. This major contributing factor is not addressed by MSN laws that, by nature, target owned animals.

Even when an MSN law seems to have a positive effect on one aspect of animal welfare, it may have a negative effect on another. For instance, in at least one community that enacted an MSN law, fewer pets were subsequently licensed, likely due to owners' reluctance to pay either the high fee for keeping an unaltered animal or the fee to have the pet altered (Office of Legislative Oversight, 1997).

The ASPCA is also concerned that some communities may rely primarily or exclusively on MSN legislation to reduce shelter intake and euthanasia even though the animal shelter population is actually very heterogeneous with no single cause or source (National Council on Pet Population Study and Policy, 2001). Many social, cultural and economic factors as well as animal health and behavioral issues contribute to shelter intake; therefore, no single program or law can be relied on to solve the problem.

Furthermore, one of the main barriers to spaying and neutering of pets is accessibility of services, which is not addressed simply by making spaying and neutering mandatory. Cost is one of the primary barriers to spay/neuter surgery in many communities (Patronek et al., 1997; Ralston Purina, 2000; Frank, 2001). In fact, low household income and poverty are statistically associated with having a sexually intact cat (Patronek et al, 1997; Chu et al., 2009), with relinquishment of pets to shelters (Patronek et al., 1996), and with shelter intake (Frank, 2003). As a result, the proportion of pets from poor communities who are



Dear New York City Council Members,

We request Int No. 55 ordinance as written to receive attention in two sections.

We appreciate the Legislative intent and recognize the Legislators goal to present an ordinance that will effectively meet the needs of the communities and families involved. We recognize that regardless of the desires of one side over another side, it is attempted by legislators to be fair and unbiased.

In the particular case of Int No 55 we are uncertain of the foundation, influence and legislative intent with its reference to "puppy and kitten mills."

Puppy Mill is not the 'noun' you may have been led to believe. It is an adjective: an inflammatory, emotion-laden, derogatory, insulting term used to describe a dog breeding facility by persons who oppose any practices of dog ownership and dog breeding.

Generally the term has been and used by those who do not approve of any dog breeding practices regardless of the quality of care or the quantity of animals used for breeding. Perpetuated by the general public who has been subject to false misleading descriptions of anti-dog breeding and anti-dog ownership groups. We certainly recognize there are some people that are not subject to this analysis.

This leads me to Int No 55's prohibiting the purchase of puppies from a 'high volume breeder'. Care of puppies and the conditions of their sales must be based on sound business and economic practices. Defining fifty transfers of offspring to be a barometer of the level of care is conjecture at best.

~~17-1702 a. must be removed to strengthen the intent, goals and support of this Local Law.~~

Remains

~~Such facilities that are currently licensed-legal-and inspected would effectively be deemed illegal by this piece of Legislation.~~

17-1702 c.1 We encourage language to include an avenue to sell puppies from a facility that has encountered violations for dog breeders who demonstrate corrected violations through the proper governing authorities. Such a case could possibly offer the offending party to appeal for sanctions to be lifted at an earlier time. Any subsequent violation would not be subject to accelerated remedy within a certain time frame.

Thank You for your time and consideration.

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Natalie L. Reeves, Esq., *Big Apple Bunnies*



NatalieLReeves@yahoo.com; (212) 231-0058, “Big Apple Bunnies” on Facebook

TESTIMONY REGARDING INTRODUCTION NOS. 55 AND 136
NEW YORK CITY COUNCIL COMMITTEE ON HEALTH

April 30, 2014

I appreciate this opportunity to address Introduction Nos. 55 and 136. I am an attorney and animal advocate, here on behalf of Big Apple Bunnies, the rabbit advocacy group I founded. I have written and lectured on rabbit issues and have been quoted about them in many media outlets, including the *Wall Street Journal*, the *New York Daily News*, the *New York Post*, and the Petkeeping television show.

Support Intro. 55 with modifications. While it is disappointing that Intro. 55 would provide far fewer protections for our city’s animals than other cities do for theirs,¹ the proposal is certainly an improvement to existing law. Nevertheless, we strongly urge the Committee to modify the bill by restricting pet stores from selling any dogs, cats, or rabbits that such retailers have obtained from any sources other than animal shelters, humane societies, or rescue organizations.

If the Committee is not willing to modify the bill to ban the sales of non-rescued dogs, cats, and rabbits as has been done in other major cities around the world, at a minimum we respectfully urge the Committee to modify the bill to include rabbits. Rabbits are the third most commonly relinquished animals to shelters, and they face many obstacles to adoption that rescue groups must struggle to overcome, starting with many people having no idea that shelters have adoptable rabbits. That’s understandable: rabbits rarely receive the attention that dogs and cats do. For example, in its 2013 Year-End Report, New York City’s Animal Care & Control did not even mention rabbits despite the shelter’s robust rabbit adoption program and increasing intake. Consequently, New Yorkers buy unaltered rabbits from pet stores, especially around Easter, even though they could have adopted spayed or neutered rabbits from the Manhattan shelter or from a number of New York City rescue groups.

Rabbit intake numbers in New York City’s shelter system have increased each year, and those numbers don’t include the countless rabbits abandoned in city parks who are killed by dogs, hawks, or numerous other predators or hazards. The lucky ones are rescued, but then the groups or individuals who take them spend thousands of dollars on veterinary bills to care for these animals. See “Jump in Abandoned Bunnies Alarms Advocates as Easter Nears” by Jenna O’Donnell, *DNAinfo*, March 20, 2014. Further, rabbits, unlike dogs and cats, are strongly identified as Easter gifts, which leads to large-scale abandonment of the animals in the months following Easter when families find out that rabbits, while wonderful pets, are just as much work

¹ Los Angeles, Chicago and San Diego each prohibit the sale of all non-rescued dogs, cats, and rabbits in pet stores.

as dogs and cats. See “When Delight Turns to Reality, It’s Goodbye, Easter Bunny” by Ian Lovett, *The New York Times*, April 19, 2014.

San Francisco has banned the sale of rabbits in pet stores for more than 30 years because of the correlation of impulse rabbit purchases at Easter and subsequent abandonment. New York City should take the same step. If the Committee is not prepared to ban the sales of non-rescued dogs and cats, it can still ban the sale of non-rescued rabbits in pet stores. Rescue groups could fill the void by providing adoptable rabbits to those stores just as they already do in a number of the city’s Petco locations. Customers would benefit because they would receive more information about the adoptable rabbits than they currently get from the pet store, and the rabbits would already have been spayed and neutered by rabbit savvy veterinarians. Retailers would continue to profit from the sale of rabbit-related products, just as Petco has done since it switched to an adoption model several years ago. Finally, New York City taxpayers would benefit as there would be fewer rabbits at the city shelter.

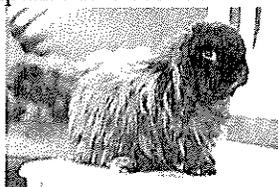
Rabbits sold in pet stores likely originated from rabbit mills, but even rabbits sourced from small breeders have horrible lives where they often live in filth, receive little to no veterinary care, are in small wire cages, and are routinely killed by the breeders for consumption, to feed to other animals, or simply because that rabbit had the wrong-colored toenail or some similar infraction. Prohibiting the sale of rabbits sold from mills would be a great first step, but we respectfully urge the Committee to ban the sale of all rabbits not sourced from rescue organizations.

Oppose Intro. No. 136 unless modified to protect rabbits. We strongly support the intent behind Intro. 136, but unfortunately we must oppose the bill because the pediatric spaying of rabbits is not safe. While there are veterinarians who will spay and neuter rabbits at any age, rabbit-savvy veterinary experts seem to agree that it is extraordinarily tricky to spay a rabbit under six months old. An experienced veterinary surgeon who specializes in rabbits advised that the only way to remove the uterus in underage bunnies is to partially remove part of the gastrointestinal tract, which increases the risk of adhesions and other complications. If bunnies under six months old were routinely spayed, a large number would likely die in the process.

Male rabbits may be neutered at around 4 months, but pet stores generally sell younger animals. According to the USDA’s U.S. Rabbit Industry Profile, “[c]ommercially produced pet rabbits are most often sold through pet stores and are often requested at four weeks of age. Older rabbits are not as desirable...” Given that pet stores generally sell rabbits too young to safely spay or neuter, we recommend that these stores either be required to source all their rabbits from rescue organizations in which the rabbits have already been spayed or neutered or that they require customers to pay large deposits for unaltered rabbits that would be returned once the customers produced a spay/neuter certificate.

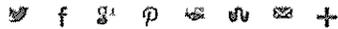
* * *

We urge the Committee to amend these bills to protect rabbits, and we would be happy to work with staff on language to accomplish this result.



DNAinfo New York

(//www.dnainfo.com/new-york/)



Park Slope, Windsor Terrace & Gowanus (//www.dnainfo.com/new-york/brooklyn/park-slope-windsor-terrace-gowanus)

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Jump in Abandoned Bunnies Alarms Advocates as Easter Nears

By Jenna O'Donnell (//www.dnainfo.com/new-york/about-us/our-team//jenna-odonnell) on March 20, 2014 7:02am



Larry, an abandoned pet rabbit, is a member of the rescue group NYC Metro Rabbits. Advocates say the number of abandoned rabbits is on the rise in the city and that mo

[View Full Caption](#)

DNAinfo/Jenna O'Donnell

NEW YORK — Rabbits bought as pets are being dumped and left to die in parks and gardens across the city — and animal advocates fear the problem will worsen as Easter approaches.

Animal Care & Control of New York City took in 380 rabbits last year — up from 341 in 2012 and 283 in 2011. That doesn't count the dozens of homeless bunnies saved by volunteers who say they're having a hard time keeping up with rabbit rescues.

"I've never lived somewhere where this happens as often as it does here," said P.J. McKosky, a volunteer for the Brooklyn-based rescue group Empty Cages Collective. "We're getting calls every week."

Many of the unwanted bunnies end up in the so-called rabbit room at Animal Care & Control's East Harlem facility. Erin Alanna, a member of the rescue group NYC Metro Rabbits, said she's seen a three-fold increase in abandoned bunnies during the seven years she's volunteered at the shelter.

"We've had up to 30 rabbits in this room," Alanna said. "When I first started here, that was unheard of."

On a recent Saturday afternoon, Alanna cradled a large brown bunny named Larry who was found hopping the streets of Brooklyn. Larry, malnourished with matted fur, remained trusting and approached people for petting.

Rabbits are third on the list of the city's most-sheltered animals, after dogs and cats, according to Animal Care & Control. They are often purchased as starter pets for children — around Easter, in many cases.

But they're not always ideal pets for youngsters as many rabbits initially don't like to be picked up and need more care and socializing than some owners expect, experts said.

And while fed-up rabbit owners might think they're doing their pets a favor by leaving them in a park, domestic rabbits are a genetically different animal than the more hardy cottontails and hares that live in the woods, officials say.

Domestic bunnies are vulnerable to whims of weather, predators and people — doomed to die if they aren't quickly saved.

The rabbits "usually look clueless, confused," said Sean Casey, head of the nonprofit rescue group Sean Casey Animal Rescue, Inc. in Kensington, where Prospect Park, Sunset Park and the bucolic Poly Prep Country Day School are popular bunny-dumping grounds.

NYC Metro Rabbits' bimonthly newsletter, THUMP, features dozens of stories of abandoned bunnies — including the tale of a 3-month-old rabbit rescued last summer after being abandoned in a Queens garden.

Left paralyzed and incontinent by a crushed spine, the rabbit — dubbed Ariel by her rescuers — crawls using her front limbs.

Ariel is considered one of the lucky ones. McKosky recalled a rabbit covered with maggots picked up in Prospect Park that died on the way to the vet.

"It happens all the time and it's very discouraging. It's heartbreaking," said Mary Cotter, head of NYC Metro Rabbits.

A.J. Woolf, a former rabbit room volunteer, said that rabbits can be great pets for city dwellers willing to put in the necessary time and effort. She sections off a space in her Brooklyn apartment for her bunny, Kyo — a rabbit room rescue.

"People don't realize that they can be litter-box trained," she said. "There's no smell, no barking. They're wonderful little pets."

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 - bunnies (<http://www.dnainfo.com/new-york/tags/bunnies/>) domesticated (<http://www.dnainfo.com/new-york/tags/domesticated/>)
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Park Slope School Blames Application Spike on Parents Giving Fake



NEED FOR ANIMALS (/NEW-YORK/BROOKLYN/PARK-SLOPE-WINDSOR-TERRACE-GOWANUS) Park Slope School Blames Application Spike on Parents Giving Fake

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When Delight Turns to Reality, It's Goodbye, Easter Bunny

By IAN LOVETT APRIL 19, 2014

RICHMOND, Calif. — Back in 1988, when the seven founders of the House Rabbit Society first came together at a dining table in Alameda, Calif., just south of here, the idea of keeping a rabbit as an indoor pet was considered fairly smirk-worthy.

Yet the group was able to incorporate as a nonprofit, dedicating itself to promoting responsible rabbit ownership, matching abandoned rabbits with bunny-loving foster caretakers and ultimately setting up perhaps the first rabbits-only adoption center at its headquarters here. Now with chapters in dozens of states, the society boasts of having hosted the first veterinary conference focused exclusively on rabbit health and having saved tens of thousands of rabbits from euthanasia. Its slogan: “Buy a Bunny a Little Time.”

But Easter, of course, is a trying time for the group, given the tradition of presenting baby rabbits to children as holiday gifts. Delight soon turns to woe as the family discovers what the organization has been saying for decades: Rabbits require as much care and maintenance as dogs, and — as heart-meltingly cute and cuddly as they can be — they must be litter-box trained and spayed or neutered to be effective house pets.

“If rabbits are given as a gift for Easter without a lot of education, they’re going to end up giving it away a few months later — it’s a no-brainer,” said Margo DeMello, president of the House Rabbit Society.

In 2002, the group’s Columbus, Ohio, chapter developed a public service campaign — “Make Mine Chocolate!” — to discourage people from taking home rabbits for Easter. The effort is a work in progress, though: Only dogs and cats end up at animal shelters more often than rabbits. More than 1,000 are taken to

shelters in the San Francisco Bay Area each year, according to the House Rabbit Society.

Tim Wilson, an owner of Wilson's Feed & Supply in Napa, Calif., has stopped selling rabbits for several weeks before Easter.

"People want them for the day," he said. "Too many years, we opened up after Easter and there were boxes on the sidewalk with ducks, chicks and rabbits."

Because of the abandonment problem, many states ban giving away rabbits as prizes at carnivals and other events. San Francisco, Los Angeles and several other cities have outlawed the sale of rabbits at pet stores. And in 2008, Petco, the giant pet store chain, decided to stop selling rabbits in its shops.

Even so, a wave of unwanted rabbits begins arriving at animal shelters just days after the holiday, once children lose interest. A second wave comes a few months later once the rabbits hit puberty: At that point, the male rabbits spray urine everywhere, while females grow territorial.

And because determining a young rabbit's sex is difficult, owners who thought they had two female rabbits can suddenly find themselves with litter after litter of bunnies. While the problem can be fixed, many parents who plucked rabbits from a pet shop window days before the holiday are not prepared to spend up to \$300 to spay or neuter a rabbit they bought for \$30. Others are jarred to learn only after they bought a rabbit that it could live more than a decade.

On Friday, members of the House Rabbit Society in the Bay Area picked up two rabbits that had been scheduled for euthanasia at local shelters. The shelter here in Richmond can house up to 40 rabbits, and sometimes it reaches capacity. Even so, adoptions are not generally permitted right before Easter, an effort to keep people from making impulse decisions.

"If they really want a rabbit, they're still going to want it after the holiday," said Anne Martin, chief executive of the House Rabbit Society.

But Julie Dinsdale, who was adopting a rabbit with her partner, Heather, and daughter, Laura, was allowed to pick up their new rabbit on Friday. They already owned another rabbit and were looking for a companion.

A veterinary technician, Ms. Dinsdale, 34, said she had found three rabbits left in shopping carts outside her workplace over the last several years.

“We see a lot of the downside of whimsical pet buying,” she said. “When I hear people say, ‘Oh, we’ll get them as a present,’ I say, ‘Don’t do it.’ It doesn’t give them a chance to really consider the responsibility.”

Among those parents caught up in the whimsy was Wylie Dold. When his daughter Whitney was 4, she won a pet rabbit at his company’s Easter egg hunt on the outskirts of Houston.

Whitney was thrilled — at first — but quickly lost interest. The red-eyed white rabbit would wriggle out through the fence, eat the neighbor’s grass and leave droppings all over the house and the porch.

“I was totally in the moment,” Mr. Dold, now 68, said of spotting the winning golden Easter egg and gladly accepting the prize rabbit. “Looking back on it, it’s hard to believe I wasn’t concerned with the downside.”

The family took Snowball back to the next year’s Easter party. Mr. Dold put a half-joking sign on its cage: “Free bunny to good home or recipe.”

A version of this article appears in print on April 20, 2014, on page A12 of the New York edition with the headline: When Delight Turns to Reality, It’s Goodbye, Easter Bunny.

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New York Is Apparently Overrun With Abandoned Bunnies

by Virginia K. Smith No Comments

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Ever a source of solid local beat reporting, today DNAinfo brings us maybe the worst possible news to get on the first day of spring: New York shelters are being overrun with abandoned bunnies. As with so many other animals, people take them in as adorable pets (particularly around Easter), then dump them on the street or in the park when they decide they're over it. For some reason, though, the bunny thing has seen a huge uptick in the past few years.

In 2011, Animal Care & Control took in 283 rabbits; in 2012, 341; and in 2013, 380. One volunteer told the site, "I've never lived somewhere where this happens as often as it does here. We're getting calls every week." Another worker at the East Harlem location of Animal Control (which has its own designated "rabbit room") estimated that the number of rabbits showing up has tripled in the seven years she's worked at the site.

Prospect Park, Sunset Park and Poly Prep Country Day School are reportedly major "bunny-dumping grounds" once people get tired of cleaning poop out of a cage, though one owner of a rescue rabbit noted, "People don't realize that they can be litter-box trained. There's no smell, no barking. They're wonderful little pets." (If anyone has video of a rabbit successfully using a litter box, please send it my way ASAP).

A DNAinfo commenter posited one solution: "They should sell some of these 'free range' rabbits to fancy lovacor restaurants.. then they can buy food for the rest," but the obvious, less gruesome alternative is *not to buy an animal as a holiday prop in the first place*. There's a

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reason there are candy version of these things. In any case, maybe best to keep an eye out for "clueless, confused"-looking rabbits wandering the city streets. There are more of 'em than you'd think.

Follow Virginia K. Smith on Twitter @vksmith.

animal care, animal control, animal rescue, Bunny crisis, DNAinfo, easter, prospect park

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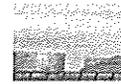
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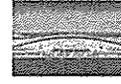
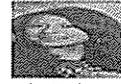


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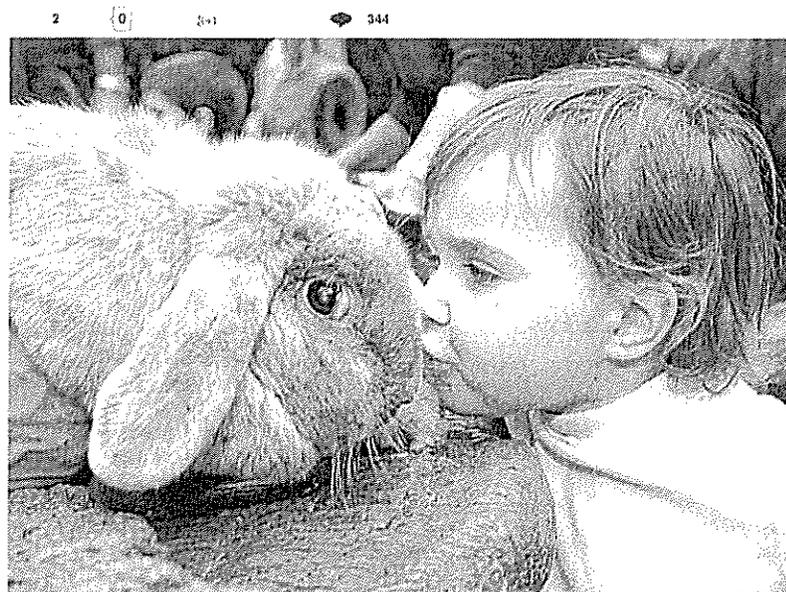
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Why I'm glad the Year of the Rabbit is coming to an end

Too many bunnies are killed, and too little is done about it

BY NATALIE L. REEVES / NEW YORK DAILY NEWS / Wednesday, January 18, 2012, 9:43 AM

A A A



CATAFFO, LINDA

Who would want to harm a helpless little rabbit?

On Sunday, the Year of the Rabbit under the Chinese zodiac ends — and not a day too soon.

For while the Chinese associate rabbits with good luck, the rabbits themselves are the unluckiest of popular pets.

Rabbits are the only pet in America that we also hunt, eat and wear on a regular basis. And this honorary rabbit year led fortune seekers to breed and then abandon or kill more rabbits than ever before.

Open the Neiman Marcus catalogue and feast your eyes on page after page of products made of dead rabbits, from fur capelets to Davy Crockett-like hats. These are not bunny slippers.

World Vision's catalogue also displays pictures of adorable bunnies, one of which bears a strong resemblance to Goldie, the sweet lop rabbit sitting in my lap.

This catalogue — dedicated to helping families in the developing world — describes rabbits as “blessings that really multiply” and encourages readers to order them so they can be fed to children.

Somehow, rabbit killing has crept into mainstream America. National news stories have labeled rabbits as the “new chickens”; one even described a “rabbit-killing seminar” held in a parking lot behind a Brooklyn restaurant. Along the campaign trail, Mitt Romney has bragged about killing rabbits, presumably as a way to scare up votes among grizzly moms and dads.

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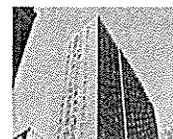
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FROM AROUND THE WEB



10 Celebs You Didn't Know Had Famous Parents
 (Celebrity Gossip Answers)

Rabbits are so undervalued that the Royal Shakespeare Company planned to behead them on stage for entertainment last summer. As part of the Lincoln Center Festival in New York, the company planned a production of "As You Like It" that would feature an actor skinning and beheading dead rabbits. Disgusted rabbit lovers bombarded Lincoln Center with hate mail and succeeded in getting the scene dropped from the New York production.

What's shocking is that animal welfare organizations — which usually focus on dogs and cats, exotic wildlife or farm animals — have largely ignored the barbarism toward rabbits. Even the rabbit-equivalent of the American Kennel Club, the American Rabbit Breeders Association, advocates killing rabbits and helps breeders by providing a list of rabbit meat processors on its website.

Sometimes people who know I live in Manhattan are surprised that I live with four bunnies, all adopted from shelters.

They shouldn't be. My rabbits run to greet me at the door when I get home, just as a dog would, and they are litter-box trained like cats.

They are intelligent, funny and generally quiet (two of my bunnies snore, but at least they don't bark). No wonder more than 6 million rabbits are kept as pets in this country — including by celebrities such as Clint Eastwood and Matt Lauer.

What rabbits really suffer from is a case of mislabeling. The federal Agriculture Department defines them as poultry, which must be because rabbits and chickens look so much alike. This means that rabbits do not even have the meager safeguards, such as the requirement that the animal being slaughtered be rendered insensible to pain before it is killed, that are in the Humane Slaughter Act.

All is not bleak. By and large, Americans seem uncomfortable with the notion of eating bunnies. Even with more than 8 million rabbits eaten each year in the U.S. and more than 800 million eaten each year globally, rabbits are still killed in much smaller numbers than other farm animals are.

As far as I'm concerned, no killing of a rabbit is excusable. Rabbits deserve the same protections afforded dogs and cats. Until that happens, rabbits should be part of the discussion by animal welfare organizations charged with protecting pets and farm animals. A dead rabbit should not be a Fashion Week accessory, political prop, good-luck charm — or a meal.

Please, bring on the Year of the Dragon.

Reeves is an attorney and founder of Big Apple Bunnies, a rabbit advocacy group.

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ORDINANCE NO. _____

An ordinance adding a new Section 53.73 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to prohibit the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments in the City of Los Angeles.

WHEREAS, the sale of commercially bred dogs, cats and rabbits contributes to the proliferation of homeless or unwanted animals that end up in public animal shelters; and

WHEREAS, prohibiting the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments may lower the City's shelter animal euthanasia rate and lead to a greater adoption rate of shelter animals.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 53.73 is added to Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

SEC. 53.73. SALE OF COMMERCIALY BRED DOGS, CATS AND RABBITS IN PET STORES – PROHIBITION.

It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services. For purposes of this Section, a rescue and humane organization is defined as a California non-profit corporation that is exempt from taxation under Internal Revenue Code Section 501 (c) (3), participates in early age spay/neuter of animals, complies with State and local laws regarding the humane treatment of animals, and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

A violation of this Section may be prosecuted as a misdemeanor. A violation of this Section also may be enforced by means of an administrative citation and penalty in the amount of \$250 for the first violation, \$500 for the second violation and \$1,000 for the third violation.

The ordinance will become operative six months after its effective date, and expire on June 30, 2016, unless extended by ordinance.

San Francisco
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San Francisco
Ban on sale
of rabbits

1 ANIMALS

§ 48. UNLAWFUL TO SELL FOWL OR RABBITS AS PETS OR ...

§ 48.

UNLAWFUL TO SELL FOWL OR RABBITS
AS PETS OR NOVELTIES

a.

It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby chicks, rabbits, ducklings or other fowl as pets or novelties whether or not dyed, colored, or otherwise artificially treated.

§ (/1/48/#a)

b.

This Section shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl in proper facilities by dealers, hatcheries or stores engaged in the business of selling the same to be raised for food purposes.

§ (/1/48/#b)

c.

Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$5 nor more than \$50 for each and every offense.

§ (/1/48/#c)

History

(Added by Ord. 81-78, App. 2/10/78)



LINDA B. ROSENTHAL
Assemblymember 67th District

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**TESTIMONY OF ASSEMBLYMEMBER LINDA B. ROSENTHAL
BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HEALTH ON INT.
NOS. 55, 73, 136 and 146**

April 30, 2014

Good afternoon. I am Assemblymember Linda B. Rosenthal, and I represent the 67th Assembly district, which includes the Upper West Side and parts of the Clinton/ Hell's Kitchen neighborhood in Manhattan. As a longtime champion for animal welfare and the prime sponsor of the state law, Chapter 553 of the Laws of 2013 as amended by Chapter 5 of the Laws of 2014 (*hereinafter* Chapter 5), that gives New York City and municipalities across the state the ability to regulate local sales of animals by pet dealers, I am pleased that the Council is holding this hearing today. Today's hearing represents an important phase in an ongoing dialogue on animal welfare in New York City.

Chapter 5 was the product of more than a year's worth of work by advocates, experts and animal lovers who banded together in the face of unprecedented industry opposition to pass legislation that would allow New York to crack down on puppy mills, a pernicious problem whose solutions are elusive. The goal of this law is provide municipalities with tools to ensure that pet shops are selling healthy animals, which were sourced from healthy and safe environments. The final language was arrived at after months of negotiation, and this law presents a real opportunity for municipalities to address the problem of puppy mills in New York.

Before the passage of Chapter 5, the State of New York had sole responsibility for regulating pet dealers, and by extension, the sale of live animals, from disparate jurisdictions, for example Thurman, NY, a small, rural town in upstate New York, and New York City. After more than a decade of preemption, it became abundantly clear that a one-size-fits-all approach to pet dealer regulation was inadequate to ensure the safety of animals sold or offered for sale, or to protect consumers and municipalities. State regulators were ill equipped to enforce lax standards, and state law proved inadequate to address pet dealer regulation in a localized way. In addition, municipalities were often left to assume the financial burden of care for sick puppy mill dogs.

I introduced Assembly bill in 2009 to lift the state preemption and restore to municipalities the authority to regulate the sale of live animals by pet dealers in order to allow municipalities to pass laws, rules, regulations or ordinances to protect animals and consumers against unscrupulous breeders, commonly referred to as "puppy mills." In this way, municipalities can ensure that all animals sold in pet shops are healthy and safe throughout all stages of the breeding and sales process.

Puppy mills are large-scale commercial breeders who place profit above generally accepted veterinary practice and the humane treatment of animals. The vast majority of puppy mill dogs

are kept in filthy, tiny enclosures for the entirety of their short lives, are given little if any medical care or exercise, are not socialized with humans or other dogs and the breeding females are forced to give birth to countless litters. Puppy mill dogs live short and tortured lives, but the abuse does not end there.

It is greed that propels the inhumane practices of puppy mills, and our aim is to put an end to an industry whose profit is derived from others' pain and suffering. Pet stores, unwittingly or not, are an integral part of the chain that encourages breeders to continue these abusive practices. The people who purchase the adorable "doggy in the window," which they expect to be a happy and healthy addition to their families, often find themselves with a sick animal that requires medical treatment to alleviate painful maladies or to save its life. Our power to end this cycle of greed, which causes heartbreak on many levels, lies in our ability to pass strong, common-sense regulations pursuant to Chapter 5.

Unfortunately, the vast majority of dogs offered for sale in pet stores across the country are in fact the product of puppy mills, and they are afflicted with serious congenital defects, caused by the poor breeding practices employed by the mills, which are exacerbated by the poor conditions in which the animals are forced to live.

In a situation that occurs with unfortunate frequency, after someone purchases an animal for a premium and takes that animal home, they discover that it suffers from a serious, often life-threatening medical condition, the treatment of which is prohibitively expensive. Many owners spend thousands of dollars on medical treatments before deciding to euthanize the animal. Others choose to drop off the unwanted animals at local shelters or with rescue organizations, whose resources are already stretched far too thin. We must end the puppy mill to pet store pipeline, and New York City has a tremendous opportunity to do just that with the proposed bills before the Council.

Chapter 5 gives municipalities the authority to issue regulations governing the source of animals sold or offered for sale, regarding whether spaying or neutering is required prior to sale and to ensure that all animals sold or offered for sale are healthy and have been safely maintained throughout all stages of the breeding process, among other regulations, so long as the regulations do not result in essentially banning all sales of animals that are raised or maintained in a healthy and safe environment. Additionally, municipalities also have the ability to issue regulations on grounds that are not enumerated in this section of law. This language provides New York City and all municipalities with wide latitude to protect animals and consumers by cracking down on bad breeders.

It is with this specific intent in mind that I provide testimony on the four bills that are the subject of today's hearing, Int. Nos. 55, 73, 136 and 146. The bulk of my testimony, however, will focus on Int. No. 55, which most specifically relates to responsibilities of New York City pet dealers. I would like to provide an explanation of the intent behind each of the specific provisions of Chapter 5.

I must begin with the proposed definition of high volume breeder. A facility with 20 breeding females, each birthing a litter every several months, as is common in most puppy mills, will result in hundreds of offspring annually. A sound approach would be to limit the allowable number of breeding females to five, and to additionally place a limit on the total number of litters permitted in a lifetime. This likely would result in more responsible breeding practices and gets to the core of the pernicious puppy mill problem. It also guarantees that breeding females will not spend their entire lives pregnant or nursing.

One of the most powerful provisions of Chapter 5 lies in the ability of municipalities to regulate the “source” of animals offered for sale in New York City. The Legislature specifically intended for New York City and other municipalities to be authorized to require that animals are sourced from breeders that conform to standards prescribed by municipal law. To that end, the City Council may require pet shops operating in New York City to prove that they are sourcing animals that will be sold or offered for sale from breeders that adhere to high health and welfare standards.

In passing this law, the Legislature intended for municipalities to have the ability to define the standard of care based on local facts and circumstances. I resisted efforts to define the meaning of “the health or safety of animals acquired or maintained by pet dealers,” so that municipalities could do so themselves. Pet shops operating in New York City or elsewhere may be required to require from source breeders, via a sworn statement or other written instrument, that the animals in their care were humanely treated and raised and maintained in a healthy and safe manner.

“Source” language also provides New York City with the opportunity to precipitously reduce the number of animals in the city shelter system and other independent animal rescues by requiring that a certain percentage of animals sold or offered for sale here are sourced from animal shelters or rescue organizations. Municipalities can require that any percentage of animals that amounts to less than one hundred percent of all animals sold or offered for sale are sourced from shelters or rescues.

Language specifying that municipalities may regulate so long as the regulation does not “result in essentially banning of all sales of dogs or cats raised and maintained in a healthy and safe environment,” provides municipalities with wide regulatory authority. The language was written to allow municipalities to ban the sale of animals that are not raised and maintained in a healthy and safe environment. For animals that are raised and maintained in a healthy and safe environment, municipalities are specifically empowered through this law to regulate pet dealers up until the point that the regulation would essentially represent a total ban on all sales of healthy and safely maintained animals from a particular source.

I am pleased that Int. No. 55 includes shelter and veterinary standards that track with current state law, and that it also requires that a comprehensive certificate of health be provided to the consumer, but it should go further to formulate stronger shelter standards that will ensure the health and safety of animals sold in pet shops.

Because Chapter 5 provides municipalities with the authority to regulate to guarantee the “health and safety of animals maintained by pet dealers,” the Council may spell out in great detail shelter standards and exercise requirements, in addition to required socialization and minimum standards for veterinary care, among other things, that must be provided to animals in pet shops. Additionally, the Council should require that animals in pet shops not be euthanized unless they are incurably ill, and treatment or rehabilitation would be dangerous or impossible. Any animal that is too ill to be sold or offered for sale, but is not ill enough to warrant euthanasia should be transferred to a shelter or rescue organization.

I am pleased that Int. No. 136 will require that dogs, cats and other animals be spayed or neutered prior to sale, as I fought hard to maintain this language in Chapter 5. Requiring pre-sale spaying and neutering will help to reduce the number of unplanned litters that end up in the municipal shelter system, at rescue groups or on the streets. Because animals could attain 8 weeks of age without reaching a weight at which veterinarians would consider spay and neuter safe, I would urge the sponsors to consider including language relating to the safe age and weight of animals to be altered. The sponsors should work with the appropriate experts to determine the

proper age and weight for altering rabbits, which, I have been told, differ dramatically from dogs and cats with respect to spay and neuter requirements.

Also intended in Chapter 5, is the ability for municipalities to create their own pet dealer licensing or permitting scheme. It is critical to the success of municipal pet dealer legislation that localities have the ability to set up a permitting scheme by which they can monitor and investigate compliance with the new regulations and also generate revenue to help fund the new enforcement responsibilities. It is important to convey that I resisted attempts to include language in Chapter 5 that would expressly prohibit municipalities from creating and maintaining a permitting system and require them instead to rely upon the State's permitting system in section 403 of Article 26-A of the Agriculture and Markets Law.

It is important to note that Chapter 5 provides municipalities with the ability to create the standards by which notices of violation may be issued and the grounds upon which a permit may be revoked. Though municipalities may not issue violations for more than \$500, they can define whether a specific act constitutes one violation or multiple violations, meaning that while the municipality could not create a single violation of more than \$500, it could determine whether multiple \$500 violations could be issued to the same pet shop, and the number of violations that would result in the revocation of the pet shop's license to operate, barring some cure.

Int. No. 73 will ensure that the City Council can require all pet shops, regardless of the kinds of animals they sell, to obtain a permit to operate under section 161.09 of the New York City Health Code. An amendment to section 161.09 of the New York City Health Code requiring pet shops to obtain permits exempted pet shops exclusively selling dogs or cats from that requirement. I was conscious of this loophole when drafting Chapter 5, and wanted to ensure that New York City and other municipalities have the ability to require pet shops to acquire permits.

I support Int. No. 146, which requires that all dogs and cats be microchipped prior to sale in New York City. Microchips are a good way to help reunite lost animals with their owners, thereby reducing the number of stray or homeless animals. I am the sponsor of legislation in the New York State Assembly that would require any organization that accepts lost, stray or homeless animals to examine them for identifying information, including microchips. I recommend that the Council pursue similar legislation on the City level.

Finally, enforcement of these new laws is key to their ultimate success. The bills should specify what the penalties are, if any, for violating their requirements. By their very nature, puppy mill operators flout the law with impunity; it is critical that New York City make clear via the imposition of hefty fines that it takes violation of these new sections very seriously. In addition, it is vital that the City specify clearly which agency will be responsible for enforcement and lay out an explicit plan by which that agency will conduct regular inspections to monitor and guarantee compliance.

Despite a massive and well-funded opposition, advocates and individuals from across the State fought long and hard for months to ensure that bill A.740-A became law, because they believe, as do I, that municipalities are in the best position to regulate local pet dealers and crack down on puppy mills. These animal lovers donated their time and resources and spent months working with my office and national and local animal groups to ensure the bill became law. They now look to New York City to exercise its authority under this new law to help put an end to puppy mills. New York City has a unique opportunity to be a model for every municipality in New York State considering its options under this new state law. I urge the Council to build upon this framework and work closely with animal advocates and experts to include my recommendations

into the final bills. I applaud the sponsors for approaching this important issue with courage and tenacity, and look forward to collaborating on this and future legislation.



April 29, 2014

Via email to: jcampagna@council.nyc.gov

Jeff Campagna, Esq.
Legislative Aide to NYC City Council
Municipal Building
New York, NY 10003

Re: Submission for Legislative Record of Companion Animal Protection Society

Dear Jeff,

I enclose the following on behalf of the Companion Animal Protection Society (CAPS) for the legislative record:

1. Cover letter;
2. Testimony of John T. Maher, Esq.;
3. An Excel Spreadsheet of all NY Pet Stores correlated to suppliers with USDA Animal Welfare Act (AWA) violations and Certificates of Veterinary Inspection (CVIs) tracing the puppies sold back to puppy mills together with PDF summaries detailing the same information by borough. Please note that this list, exhaustive as it presents, is not complete as not all breeders and brokers had CVIs on file for the time period searched. We expect there are even more reported USDA AWA violations which we were unable to uncover as of this date;
4. Case studies of three Exemplar breeders selling to NYC pet stores detailing corresponding USDA AWA violations.

I would be grateful if you would please print 20 copies of my testimony to distribute to the members of the City Council at the hearing.

Thank you for your attention to this matter.

Very truly yours,

John T. Maher

Testimony of John T. Maher Esq.
on behalf of the
Companion Animal Protection Society, Inc. (CAPS)
concerning Int. Nos. 55, 73, 136 and 146
before the City Council of the City of New York, City Hall
April 30, 2014

Introductory Remarks

Good Afternoon, I am John Maher, General Counsel for the Companion Animal Protection Society (CAPS). I have been an animal lawyer for twenty-five years and serve as an adjunct professor of Animal Law at Touro Law Center. I am also a New York City resident.

CAPS Mission and Qualifications

As the national authority on the pet shop and puppy mill industry, CAPS has conducted undercover investigations at more than 1,000 commercial breeding facilities, most of them USDA-licensed, in 16 states and documented numerous Animal Welfare Act (AWA) violations. CAPS has also investigated hundreds of pet shops around the country. In addition to providing evidence and assistance to law enforcement officials and prosecutors, CAPS works closely with multiple government agencies, such as the USDA APHIS, the USDA Office of Inspector General, and the New York State Attorney General. CAPS has drafted and/or supported retail pet shop ordinances in Los Angeles, San Diego, West Hollywood and Glendale, California and other municipalities and is currently working on ordinances for Sarasota County, Florida and Orland Park, Illinois. The time has come for NYC to enact a retail pet shop ordinance too.

The Puppy Mill Supply Chain

In our investigations, CAPS have documented that thousands of dogs and cats in the United States are housed and bred at substandard commercial breeding facilities, known as “puppy mills” or “catteries,” that mass-produce animals for sale to the public; many of these animals are sold at retail pet shops, which usually obtain these animals through USDA-licensed brokers, such as The Hunte Corporation in Goodman, Missouri, where a CAPS investigator worked undercover for six months. Hunte transports more than 1,000 puppies a week in semi trailer trucks to pet shops around the country. Practices at commercial dog and cat breeding facilities, animals born and raised in these facilities are more likely to have genetic disorders, communicable diseases, some that can lead to death, and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

According to USDA inspection reports and photographs and CAPS investigation reports and undercover video, some additional documented problems found at mills include: (1) sanitation problems leading to infectious diseases; (2) large numbers of animals in overcrowded cages; (3) lack of proper veterinary care for severe illnesses and injuries – in one case, Barb Crick, a Minnesota breeder who sold to pets stores in NYS, was convicted of animal torture and continued to sell puppies after her USDA license was suspended and later terminated; (4) lack of shelter from harsh weather conditions; and (5) lack of adequate food and water

CAPS investigations of New York pet shops uncovered that many of these stores often market and sell puppies and kittens based upon misrepresentations that are in violation of New York State laws, such as the almost universal false representation that the puppies and kittens do not

originate in puppy mills. This allegation is a violation of New York General Business Law, Article 22, Section 350-a which prohibits “false and misleading” statements and “deceptive practices.” Some stores have restrictions that illegally limit the application of New York General Business Law, Article 35D, section 751 *et seq.* (the puppy “Lemon Law”), such as insisting that consumers take a sick puppy to the store’s vet for the warranty to be valid or refusing to reimburse consumers for veterinary expenses (753-b). Many stores insist that they don’t have to reveal breeder and broker information prior to sale, which is also a violation of the Lemon Law (753-c mandated sign must state: “Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers.”)

Proof of Puppy Mill Sales by NYC Retail Pet Stores

A. Correlation Between Puppy Mills, AWA Violations and Pet Stores

CAPS attaches a spreadsheet as Exhibit A listing all the retail pet stores in NYC, the names of the puppy mills and brokers who supply these stores, and the known AWA violations of these breeders and broker. The results are damning because they show a clear correlation between substantially all retail pet stores in NYC with puppy mills and brokers with serious AWA violations. For these reasons alone, NYC needs a retail pet store ordinance.

B. Exemplar AWA Violations by Puppy Mills Selling to NYC Pet Stores

CAPS submits to the City Council As Exhibit B three exemplar case studies which show that retail pet stores in New York City sell puppies from breeders or puppy mills with multiple, egregious Animal Welfare Act violations. The abuse behind these violations is embodied in the puppies sold in NYC and passed on to unwitting consumers who then unknowingly pay to

support these puppy mills and their inherent inhumane conditions. The consumer, who often buys on impulse, sees cuteness, not the widespread institutional abuse and the cruelty inherent in the production of a puppy.

CAPS' Position on the Proposed Ordinances

Int No. 73

CAPS supports No. 73.

Int No. 136

CAPS supports No. 136, the sterilization measure with the following reservation: as a matter of policy 136 should be extended to apply to cats and rabbits as well. There should also be a requirement for the licensing of cats.

Int No. 146

CAPS supports No. 146 but would like to add rabbits. We recommend that the NYC AC&C be funded to scan for all chips as there is no “industry standard” chip.

Int. No. 55

CAPS supports Int. 55 with the following reservations:

A. Certify All Links in Chain. The public policy embodied in the ordinance should extend to every element in the puppy mill supply chain and more closely track and monitor USDA APHIS rules and standards, such as for the term “breeder.” CAPS believes that all breeders who are registered with the USDA under a Class B license, or meet such requirements, are puppy mills and are inhumane. Puppies sourced from such Puppy Mills must be banned in New York.

B. Use USDA APHIS Standards. Responsible public policy requires conformation with USDA APHIS standards and should add meaningful recordkeeping requirements such as: i) A comprehensive “Cage Card” (similar to the requirements of NYS GBL 753-b) listing breeder and broker names, towns, states and USDA numbers (see former Los Angeles ordinances); and ii) strict requirements for keeping and providing to the public, prior to and after sale of an animal, such as Certificates of Veterinary Inspection (Interstate Health Certificates) and the last three years of USDA inspection reports with photos for breeders and brokers for all animals in the store. There should also be certification requirement that the breeders, brokers, handlers or pet store have not had any federal or state regulation or animal cruelty convictions.

c. Clear Enforcement Mechanism. The public policy behind the ordinance is best served by a clear enforcement mechanism specified under the NYC Administrative Code. We recommend that in order to shift the cost of enforcement to violators, a specific fines enacted, cumulative fines allowed, and that any permit be revoked if there are three unresolved violations within two years.

d. Animal Rescue Group. “Animal Rescue Group” or “non-profit rescue” shall also encompass organizations that take in rabbits and other small companion animals and birds.

e. Convicted. “Convicted” should be defined as an adjudication of guilt or plea of nolo contendere by any court, *including USDA or other administrative law courts*.

Other Recommended NYC Pet Ordinances

Responsible Public Policy would be served by enacting additional ordinances:

A. Tax on Sales and Breeding. In order to reduce and pay for the companion animals and their offspring dumped at the AC&C CAPS supports a dedicated tax on i) the sale of companion animals within the City of New York or purchased over the Internet by a NYC resident; and ii) a tax on all companion animals bred within the City of New York. Such tax should be applied towards the construction of additional shelter space in all boroughs as required by law and subverted by the prior City Council. These funds could also be used for a ‘No Kill New York’.

B. Sprinkler Requirement. CAPS supports a mandatory sprinkler requirement for all pet stores selling companion animals.

C. Retailer Masquerading as Rescues. CAPS has observed retailers masquerading as rescues and selling puppy mill dogs as “adoptions” in Long Island and other jurisdiction. This must be prohibited.

Industry Criticism

CAPS believes that the ordinances before us, the retail pet store ordinance and other measures, are non-retaliatory, pass muster under the US and NY State Constitutions, Commerce Clause, NY “Home Rule” statute, and state jurisprudence, and are not otherwise barred by any federal or state law. Under No. 55 retail pet stores may still offer humanely sourced pets for sale, which serves the public purpose of decreasing the supply of dogs, cats and rabbits on death row at the ACC. The NYC City Council should not be persuaded by industry criticism and specious arguments in favor of perpetuating an inhumane trade in baby animals which has the net effect of institutionalizing animal instrumentality and death and shifting the externalized costs for animals dumped at shelters on the taxpayers of the City of New York.

The Pet Industry Joint Advisory Council, PIJAC, wants consumers to focus on the cute puppy or kitten on the window and not be familiar with the issues stated above. PIJAC also wants to allow current practices to continue by claiming jobs are at stake, and deemphasizing the cost to municipalities of companion animals and their offspring dumped at shelters.

Conclusion

CAPS and I thank the City Council, the sponsoring council members and the council legislative staff for their hard work and dedication and for recognizing that a retail pet shop ordinance is necessary for New York City. CAPS supports the policy initiatives behind the proposed ordinances and the ordinances themselves as stated.

Crosby Pet Center, Inc.

1626 Crosby Avenue
Bronx, NY 10461

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Oleo Acres Kennels, Inc 970 180th St Britt, IA 50423 641-843-3994 42-B-0265	8/30/2011 2/14/2012 1/23/2013	No violations No violations No violations	No Photos	No Report
The Hunte Corporation 121 N Royhill Ave Goodman, MO 64843 43-B-0123	10/7/2011 10/7/2012 10/19/2012 1/6/2014 1/8/2014	No violations No violations No violations No violations No violations	No Photos	No Report

Bronx Zoo Rama Pets

2566 East Tremont Ave.
Bronx, NY 10641

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Marvin Newswanger 19590 Elm Ave Alta Vista, IA 50603 42-A-1390	3/15/2012 4/16/2014	3.1 - Owner improperly moved housing to food storage area 3.6 - Openings in cage floor are too large for paws 3.11 - Unsanitized PVC piping in housing	No Photos	No Report
Nancy Waugh 398-3000 Rd Coffeyville, KS 67337 Waugh Kennel 48-A-0654	12/22/2011 12/19/2012 12/12/2013	No violations No violations No violations	No Photos	No Report

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Tracy Henderson 4134 FR 2140 Exeter, MO 65647 Flying Diamond Kennel 43-B-3486	9/12/2012	2.50 - Puppies missing IDs 2.75 - Missing paperwork for dogs	PHOTOS	No Report
Karen Buffalohead 776 First St Eucha, OK 74342 73-B-1843	2/28/2012 11/15/2012 11/13/2013	No Violations No Violations No Violations	No Photos	No Report
Critttersville Kennel, Inc 37932 Drive 715 Po Box 515 McCook, NE 690014 47-B-0056	3/1/2013	2.78 - Shipped dogs without interstate health certificates	No Photos	No Report

Wa-Wa's Puppies, Inc.

3039 Cross Bronx Ext.
Bronx, NY 10465

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Melanie Moore 137 S KK Hwy Lamar, MO 64759 MAM Kennel 43-A-5625	5/17/2011 1/18/2012 12/11/2012 3/4/2014	2.126 - No rep. present No violations No violations 2.126 - No rep. present	No Photos	No Report

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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Puppy Resources

1021 Bruckner Blvd.
Bronx, NY 10459

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
The Hunte Corporation 121 N Royhill Ave Goodman, MO 64843 43-B-0123	10/7/2011 10/7/2012 10/19/2012 1/6/2014 1/8/2014	No violations No violations No violations No violations No violations	No Photos	No Report

Tropical Island Pets

308 East 204th Street
Bronx, NY 10467

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Oleo Acres Kennels, Inc 970 180th St Britt, IA 50423 641-843-3994 42-B-0265	8/30/2011 2/14/2012 1/23/2013	No violations No violations No violations	No Photos	No Report

Chipawee Pet Shop

3043 Buhre Ave.
Bronx, NY 10461

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
The Hunte Corporation 121 N Royhill Ave	10/7/2011 10/7/2012	No violations No violations	No Photos	No Report

Goodman, MO 64843	10/19/2012	No violations
43-B-0123	1/6/2014	No violations
	1/8/2014	No violations

Pet Resources

814 Westchester Ave.
Bronx, NY 10455

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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The Hunte Corporation	10/7/2011	No violations	No Photos	No Report
121 N Royhill Ave	10/7/2012	No violations		
Goodman, MO 64843	10/19/2012	No violations		
43-B-0123	1/6/2014	No violations		
	1/8/2014	No violations		

Sanjon Kennel	9/22/2011	No violations	No Photos	No Report
Sandi & John Blake	2/7/2013	No violations		
2560 US Hwy 65	3/13/2014	No violations		
Louisburg, MO 65685				
43-B-3515				

Willis Avenue Pets

228 Willis Ave.
Bronx, NY 10454

Schuyler Pets

3840 E. Tremont Ave.
Bronx, NY 10465

Pet City

108 E. Burnside Ave.
Bronx NY 10453

Gabby Pets

2324 Grand Concourse

Bronx, NY 10458

Puppy Boutique

8002 17th Avenue
 Brooklyn, NY 11214

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Barb Hubner 356 121st St Pipestone, MN 56164 41-A-0323	8/4/2011 8/23/2011 9/18/2012 8/1/2013	2.126 - No rep. present No violations 2.40 - Multiple dogs with untreated health issues (four dogs with eye problems), expired medicine 2.50 - Dogs without IDs 3.6 - Chewed food bowls, and housing cannot be readily cleaned 2.40 - Untreated health issues (overgrown nails) 3.1 - Rusted metal on housing	No Photos	No Report
Martha Johnson 27703 Hwy EE Meadville, MO 64659 Mar J Kennels 43-A-4296 (CANCELLED)	2/21/2012	2.126 - No rep. present	No Photos	No Report
Jeannie Friesner 31742 Hwy W Meadville, MO 64659 43-A-3786	2/21/2012 1/23/2013 3/18/2014	No violations No violations No violations	No Photos	No Report
Kenneth Orrell 1414 E 470th Rd Bolivar, MO 65613 43-A-2979	8/22/2011 6/20/2012 7/19/2013 1/10/2014	No violations No violations No violations No violations	PHOTOS	No Report
Dixie Singleton 5828 Hwy M Moberly, MO 65270 Singletons Kennel 43-A-5558	8/4/2011 11/1/2011 11/28/2012 1/15/2014	2.126 - No rep. present No violations 2.40 - Breeder had no veterinarian plan or attending veterinarian 2.75 - Breeder had no record of dogs on facility No violations	No Photos	No report

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Bowyer Kennel 10837 Hwy 36 Meadville, MO 64659 43-B-3417	7/26/2011	2.50 - Four dogs without ID 3.1 - Sharp, broken wires were facing into dog house	No Photos	No Report
	8/7/2012	No violations		
	8/20/2013	No violations		

Myrtle Pets

642 Myrtle Avenue
Brooklyn, NY 11205

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Mid America Pet 11474 Hammer Rd Neosho, MO 65850 43-B-3634 (CANCELLED)	4/9/2012	No violations	No Photos	No Report
	8/20/2012	No violations		
	8/12/2013	2.40 - There is no veterinarian plan and no records of visits 3.6 - Inadequate head space for dogs 3.6 - Inadequate space for dogs		

Puppy City

2539 Ocean Ave
Brooklyn, NY 11229

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Carla Zumbach 21473 200th Ave Monticello, IA 52310 42-A-1102	11/2/2011	No violations	No Photos	No Report
	12/17/2012	No violations		
	3/10/2014	2.75 - The records of animals on hand are incomplete		
Ruth Hamm 37358 Hwy 3	6/15/2011	2.126 - No rep. present	No Photos	No Report
	9/15/2011	No violations		

Callao, MO 63534 43-A-0925	11/26/2012 1/24/2013	2.126 - No rep. present 3.1 - Feces buildup in multiple cages		
Simlers Kennel, LLC Wanda L Simler 16995 Simler Trail Kirsville, MO 63501? 43-A-1094	10/28/2012 3/19/2013 3/27/2013 7/15/2013 9/23/2013	No violations 2.40 - Untreated medical issues, including eye issues 3.20 - Indoor facility smelled strongly of ammonia, with no ventilation 3.11 - Clutter on top of dog cages, causing sagging cages and potential pests No violations 2.126 - No rep. present No violations	PHOTOS	No report
Keetha Sykes 25928 Clemson Lane Hurland, MO 63547 43-A-0840	9/27/2011 12/27/2011 1/8/2013	2.126 - No rep. present No violations 2.126 - No rep. present	No Photos	No report
Brenda Lou's Kennel RR1 Box 1349A Glenwood, MO 63541 43-A-0042	7/16/2011 7/2/2012 7/2/2013	No violations No violations No violations	No Photos	No Report
Sara Erwin 16815 Hazel Greenway Bioshear, MO 63533 43-A-5714	5/31/2011 6/1/2011 8/13/2011 11/27/2012 12/18/2013	2.40 - The required program of veterinary care is inadequate 2.40 - Breeder had multiple dogs with untreated medical issues (ears, eyes, and teeth) and had expired medication No violations No violations No violations No violations	PHOTOS	No Report
Edward Cannon 15212 Bootjack Trail Novinger, MO 63559 E Cannon Kennels 43-A-4206	7/21/2011 12/14/2011	2.40 - Multiple dogs with symptoms of gum disease 3.9 - Mold in dog food 2.40 - The required program of veterinary care is inadequate 2.50 - 15 dogs without ID 3.1 - Hair, dirt, grime, and waste material is covering house facilities	PHOTOS	No Report

		<p>3.2 - Strong fecal/ammonia odor in indoor facility with no open windows, caused burning in inspectors' noses</p> <p>3.3 - Strong fecal/ammonia in facilities with no ventilation</p> <p>3.6 - Openings in cages large enough for dogs to get their heads through, posing a risk of entrapping dog</p> <p>3.6 - Cages too small, half the size legally required</p> <p>3.6 - Cages too small, providing only 3-4 inches of headroom</p> <p>3.11 - Fecal accumulation around housing</p> <p>3.11 - Areas surrounding kittens appear to essentially be trash areas</p> <p>3.11 - Rodent droppings are present around dog cages</p>		
	3/21/2012	<p>2.40 - Untreated dog had fecal matter accumulation in anal area</p> <p>3.6 - Housing for dogs are sagging and bouncing when dogs are in them</p>		
	7/19/2012	No violations		
	2/12/2013			
		<p>2.40 - Untreated dogs with symptoms of severe dental disease</p> <p>3.2 - Ammonia and fecal smell present in buildings</p>		
	3/19/2014	No violations		
Ella Mae Lewis 32135 Freedom Lane Gibbs, MO 63540 Lewis Kennel 43-A-5237	12/6/2011	<p>2.75 - Undocumented dogs on premises</p> <p>2.40 - Untreated dogs with symptoms of dental disease</p>	No Photos	No Report
	12/6/2013	No violations		
	5/6/2013	No violations		
Renea Culler 2016 Shelby 241 Shelbyville, MO 63469 Culler Kennel 43-A-3094	6/20/2011	No violations	No Photos	No Report
	10/10/2012	<p>2.40 - Breeder never notified veterinarian of blue haze on dogs' eye</p> <p>2.75 - Undoubted dogs on grounds</p>		

	11/18/2013	3.11 - Algae like substance on food bowls, dogs are drinking brown water 3.1 - Build up of feces around cages		
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Karen Lovingier
23667 Hwy HH
LaPlata, MO 63549
Unknown USDA #

No USDA License Found No Photos No Report

Teresa Elsa	3/8/2012	2.126 - No rep. present	No Photos	No Report
60391 Hwy 6	7/26/2012	2.40 - Untreated dog with cloudy discharge from eye, one eye larger than the other		
Green Castle, MO 63940		3.6 - Openings in floor are too large, paws can fall through		
K & T Farms	8/15/2013	2.126 - No rep. present		
43-A-3906	1/16/2014	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
The Hunte Corporation	10/7/2011	No violations	No Photos	No Report
121 N Royhill Ave	10/7/2012	No violations		
Goodman, MO 64843	10/19/2012	No violations		
43-B-0123	1/6/2014	No violations		
	1/8/2014	No violations		

Warner & Rose Parmley 3/22/2012 **2.75** - Undocumented dogs on grounds No Photos No Report

24598 Henry Y

Green Castle, MO 63544

Parmleys Kennel

43-B-0201

7/19/2012 No violations

11/28/2012 **2.126** - No rep. present

2/7/2013 No violations

Clearwater Kennel, Inc	7/26/2011	2.40 - Dog had circular lesion in one eye; dog had hair loss on paw	No Photos	No Report
24302 Hwy 10		3.1 - Water receptacles had		
Cushing, MN 56443				

41-B-0190		excessive chewing; excessive rusting on housing
		3.3 - Inadequate space for dogs
		3.6 - Sharp wire edges facing into housing
		3.11 - Tall overgrown grass around dogs
		2.78 - Broker is not inspecting dogs within 10 days of arrival
		3.9 - Beetles were observed crawling in food containers
	11/14/2012	No violations
	2/27/2013	3.3 - Kennel smelled of ammonia and was not ventilated
		3.11 - Feces are not being cleaned from housing areas
	6/11/2013	3.1 - Excessive rust where dogs have access to food
		3.1 - Standing water under dog cages, greenish/yellow in color with foul odor
	2/11/2014	2.75 - Broker is missing transportation information
		3.1 - Excessive amount of rodent droppings around food
		3.2 - Strong ammonia odor present, caused burning in throats of inspectors
		3.11 - Feces are not being cleaned from housing areas

Fins Furs N Feathers

9302 4th Avenue
Brooklyn, NY 11209

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Jesus Morfin	6/7/2011	No violations	No Photos	No Report
657 Hwy 221N	6/4/2012	No violations		
Berryville, AR 72616	5/1/2013	No violations		
71-A-1152				
Cindy Weaver	10/26/2011	2.126 - No rep. present	No Photos	No report
328 Rd 31	11/17/2011	No violations		
Elk City, KS 67334	9/27/2012	No violations		

48-A-1486 8/20/2013 No violations

Deb Cannon 9601 South 485 Rd Miami, OK 74354 Impossible Dream Kennel 73-A-1772	2/2/2012	3.1 - Doggy doors are chewed and cannot be sanitized 3.6 - Sharp points sticking into the housing areas 3.6 - Rubber on wire flooring has worn off	No Photos	No Report
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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Pup Slope

255 Flatbush Avenue
 Brooklyn, NY 11217

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Krystal Rottinghaus 1122 128th Rd Seneca, KS 66538 Kits Pets 48-A-2120	4/2/2012	2.40 - Right eye is larger than left eye, has dry appearance, and is rough texture; one dog has bubble like bulge in both eyes; three dogs have brown material covering gums 2.50 - Dog does not have ID 3.1 - One enclosure gate has a gap with sharp points; one divider has hole large enough for dog to put head through 3.9 - Food receptacle has jagged edges; one receptacle has rusted hole with sharp edges	PHOTOS	No Report
	10/4/2012	2.126 - No rep. present		
	1/3/2013	2.126 - No rep. present		
	4/2/2013	2.40 - Numerous untreated medical issues, including legs, eyes, gums, and protruding ribs and hips 2.40 - Expired medicine, and numerous untreated medical issues, including bulging eyes with visible lesions		

		3.1 - Numerous housing facilities with jagged wires facing into cages
		3.4 - Insufficient bedding despite low temperatures (20 degrees F)
4/9/2013		No violations
8/6/2013		3.6 - Feet and legs of dogs are passing through flooring
		3.9 - Brownish greasy substance coating food containers; caked, deteriorating dog feed covering containers

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Lambriar Inc 113 N Pine St Mahaska, KS 6695 *Po Box 91 48-B-0043 CANCELLED	4/10/2012	2.132 - Broker purchased dogs from unlicensed breeders	No Photos	No Report

Audrey Rottinghaus 1377 144th Rd Seneca, KS 66538 Wendy Pets 48-B-0313	4/30/2012	2.40 - Several untreated dogs with symptoms consistent with dental disease, and dogs unable to put weight on back legs 3.1 - Inadequate construction of housing facilities 3.1 - Open sack of dog feed 3.9 - Accumulation of grime and chewed surfaces in feeders	PHOTOS	No Report
	8/13/2012	No violations		
	12/4/2013	No violations		

A World of Pups & Pets

540 86th Street
Brooklyn, NY 11209

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Jesus Morfin 657 Hwy 221N Berryville, AR 72616	6/7/2011 6/4/2012 5/1/2013	No violations No violations No violations	No Photos	No Report

71-A-1152

Benita Boyd	9/18/2012	2.126 - No rep. present	PHOTOS	No Report
PO Box 338	12/3/2012	No violations		
Leslie, AR 72645	11/7/2013	2.40 - Untreated dog with red, swollen paws		
71-A-1049	11/13/2013	No violations		
Bill/William Clarke	11/14/2011	2.40 - Untreated overgrown toenail	PHOTOS	No Report
172 Willow Rd		3.1 - Open gaps in housing		
Yates Center, KS 66733		3.1 - Excessive rust on housing		
Clarkes Hillside Kennel		3.1 - Exposed screws facing towards the dogs, jagged fiberglass sharp points in housing		
48-A-1275		3.1 - Plastic dog igloos are chewed and jagged, wooden housing is rotting		
		3.4 - No wind or rain breaks		
		3.6 - Broken, protruding wires in housing, sharp jagged dividers between housing		
		3.8 - No copy of exercise program for dogs		
		3.9 - Food receptacles have jagged edges, dirt and grease caked on interior of food receptacle, old caked food on food receptacles		
		3.10 - Water receptacles have jagged edges		
		3.11 - Cobwebs, dust, and dog hairs are collecting on interior walls		
	8/22/2012	2.40 - Dogs are infested with ticks; dog has hair loss throughout body; symptoms of dental disease; fluid buildup between toes of dogs		
		3.4 - Wood structures are not impervious to moisture		
		3.10 - Water has green looking film substance covering entire interior surface area		
		3.11 - Cobwebs covering housing area		

	12/4/2012	2.126 - No rep. present		
	2/5/2013	2.40 - Abnormal tissue protruding from pads; untreated open wounds; dog limping without ability to put weight on front paw; symptoms of gum disease on dog; another dog was limping and had a puffy paw 3.1 - Dirt, grease, and other excreta on doors 3.10 - Water receptacle has rough, jagged edge		
	3/13/2013	No violations		
	7/2/2013	2.126 - No rep. present		
	9/18/2013	No violations		
LaNae Jackson 424 6th Rd Clifton, KS 66937 Jackson Kennels 48-A-1849	3/8/2012	2.40 - Open wound in side of dogs' neck 3.9 - Bird droppings in dog food receptacles	No Photos	No Report
	3/12/2012	No violations		
	4/25/2013	2.126 - No rep. present		
	6/3/2013	2.40 - Untreated wound to ear of dog 3.1 - Housing is insecure and unstable 3.1 - Metal gates are rusting 3.1 - Wires are broken off and protruding into dog cages 3.1 - Surfaces to housing cannot be cleaned or sanitized 3.9 - Food receptacles have rusted, jagged edges 3.10 - Water bowls have jagged edges		
	12/17/2013	2.126 - No rep. present		
Marlene Aurand 13 N 170th St Salina, KS 67401 Aurand's Kennel 48-A-1602	8/2/2011	No violations	No Photos	No Report
	7/3/2012	No violations		
	8/15/2013	3.1 - Broken jagged edges 3.1 Solid flooring does not cover entire flooring 3.6 - Lack of adequate vertical height 3.9 - Outdoor food receptacles were unprotected from rain		

Roma Patterson	6/7/2011	No violations	No Photos	No Reports
1121 CR 2440	6/12/2012	No violations		
Havana, KS 67347	2/6/2013	No violations		
Oakledge Kennel	2/3/2014	No violations		
48-A-1366				

Brenda Ponting	6/3/2011	3.1 - Rusted housing	No Photos	No Report
206 E 4th St, Box 265		3.4 - Inadequate shade for dogs		
Hale, MO 64643		3.4 - Housing not impervious to moisture		
43-A-5133		3.6 - Objects with sharp edges in housing		
		3.6 - There is shredded housing insulation in cages		
		3.10 - Water receptacles have heavy green/brown algae covering them		
		3.11 - Food receptacles have been chewed excessively		
		3.11 - Overgrown weeds around cages		
		3.11 - Bugs, worms, bird droppings found in food		
	7/20/2011	3.10 - Brownish green algae floating in water		
	11/15/2011	3.1 - Fecal accumulation in outdoor enclosures and fecal and waste material in standing water around buildings		
	11/26/2012	3.4 - No wind/rain break		
		3.4 - Inadequate structures		
		3.6 - Jagged edges in housing		
		3.10 - Brownish green algae floating in water		
	11/29/2012	No violations		
	3/5/2013	3.4 - No wind/rain break		
		3.4 - Insufficient bedding despite 33 degree F temperatures		
		3.6 - Housing have large areas of mud in them		
		3.10 - Brownish green algae floating in water		

Allene Taylor	1/15/2013	2.40 - Expired medication; dog with symptoms consistent with dental disease	PHOTOS	No Report
21284 Farm Rd 1065		3.1 - Grime buildup on housing		
Washburn, MO 65772				
Taylor's Kennels				

43-A-0826

3/11/2014

3.4 - No wind/rain breaks
3.4 - Insufficient bedding despite temperatures of 29 degrees F
3.6 - Sharp points of wire throughout the facility
3.6 - Multiple areas in facility need of repair

2.40 - Expired medication and medication stored in incorrect conditions; dogs with matted hair; dogs with symptoms of gum disease (extremely severe case)

3.1 - Accumulation of feces near housing

3.4 - No wind/rain breaks
3.6 - Multiple areas in facility need of repair

Judy Walles	4/21/2011	No violations	No Photos	No Reports
1355 Campclark Hill	4/10/2012	No violations		
Galena, MO 65656	5/16/2013	No violations		
Ox Arks Kennels				
43-A-3787				

Dwayne Hurliman	10/31/2011	2.126 - No rep. present	No Photos	No Report
RR3 Box 6A	11/29/2011	No violations		
Cordell, OK 73632	12/7/2012	No violations		
73-A-2621				

Starmye Halpain	4/11/2012	No violations	No Photos	No Report
13201 Hwy 82C	7/24/2013	2.40 - Dog with symptoms of gum disease; dog was missing hair from her back leg and hips, appeared to be causing pain to dog		
Hulbert, OK 74441		3.6 - Puppies' paws hanging through wire cages		
73-A-1408		3.11 - Accumulation of leaves and debris under cages		
	1/9/2014	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
J.A.K.S. Puppies	6/23/2011	No violations	No Photos	No Report
Po Box 245	5/14/2001	No violations		
Britt, IA 50423	10/21/2013	No violations		

641-843-3103
42-B-0271

Marie Doherty	11/29/2011	No violations	PHOTOS	No Report
2471 225th St	12/6/2012	No violations		
Fulton, KS 66738	12/5/2013	No violations		
Doherty's Family Pets				
48-B-0321				

Charlene Koster	6/28/2011	2.40 - Dog with matted hair and fecal matter around anus; dog with sagging lower jaw; dogs with wounds at base of ears covered with flies; dog with wound on left side of body; dog with hair loss on chest; dog has fleshy mass covering his eye	No Photos	No Report
532 K 106		3.4 - Inadequate shelter structures		
Minneapolis, KS 67467		3.6 - Sharp points sticking into wire cages		
43-B-0271		3.11 - Hair, food, and debris accumulating in corner		
		3.11 - Yellow and cloudy water in water receptacles		
		3.11 - Excessive flies near piles of excreta behind outdoor enclosures		
	5/9/2013	2.126 - No rep. present		
	6/20/2013	2.40 - Growth on top of dogs' head		
		3.1 - Unsafe structures		
		3.6 - Jagged edges to walls		
		2.40 - Dog with matted hair on legs, back and rear end		
	2/13/2014	3.10 Structures are sagging and contain openings with jagged edges		
		3.1 - Mixture of dirt, grease, and excreta on the walls and floors		
		3.4 Dogs with insufficient bedding despite temperatures as low as 28 degrees F		
		3.6 - Gaps and holes in floor and fences		
		3.9 - Feces visibly mixed into food		
		3.11 - Several enclosures with excessive accumulation of feces		

	2/25/2014	2.126 - No rep. present		
	3/6/2014	No violations		
Sanjon Kennel	9/22/2011	No violations	No Photos	No Report
Sandi & John Blake	2/7/2013	No violations		
2560 US Hwy 65	3/13/2014	No violations		
Louisburg, MO 65685				
43-B-3515				
Circle B Farms, LLC	7/20/2011	2.40 - Dog cannot put weight on back leg; excessive matting in dogs hair	No Photos	No Report
1350 CR 2445				
Huntsville, MO 65259		2.76 - Incomplete broker records		
43-B-3698		3.1 - Raw materials in building under construction that cannot be sanitized		
	2/15/2012	No violations		
	3/5/2013	2.126 - No rep. present		
	8/13/2013	2.126 - No rep. present		
	3/7/2014	3.6 - Flooring with holes large enough that puppies legs are falling through		
Karen Buffalohead	2/28/2012	No Violations	No Photos	No Report
776 First St	11/15/2012	No Violations		
Eucha, OK 74342	11/13/2013	No Violations		
73-B-1843				
Bob Mackey	3/28/2012	2.40 - Dogs that have not been groomed	No Photos	No Report
11235 N 1870 Rd		3.6 - Sharp wires in contact with dogs		
Sayre, OK 73662				
73-B-1857		2.40 - Expired and unlabeled medication; medicine not prescribed to dogs on grounds		
	1/22/2013	3.1 - Building made of makeshift materials that are breaking and tearing apart		
		3.1 - Plastic coated wires that are torn and broken throughout the facility		
		3.1 - Bags of open food, ground meat draining into refrigerator, food with no expiration date, and medication is being stored on top of cages		

	<p>3.1 - There is a waste dump of feces and other waste 1/2 foot deep</p> <p>3.11 - Waste, grime, blood, and hair are building up and have not been cleaned for extended periods of time</p>
3/14/2014	<p>2.40 - Medicine with no expiration date; no label on medication, and no indication it is prescribed for dogs</p> <p>2.40 - Dog with swollen, reddish area around eyes with drainage and deep cut on left leg that was bleeding; left eye was swollen to a point that the entire eye had turned a greyish color with discharge</p> <p>3.1 - Medicine with no expiration date; no label on medication, and no indication it is prescribed for dogs</p> <p>3.1 - Waste with feces is draining into a field that has 1/2 foot of waste</p> <p>3.6 - Legs of dogs are falling through floor</p>
	<p>3.11 - Buildup of dirt, grime and hair in medication storage room</p> <p>3.11 - Rodent droppings throughout the building</p>
7/8/2013	No violations
3/20/2014	No violations

Puppy Paradise Corp.
2082 Flatbush Avenue
Brooklyn, NY 11234

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Marilyn Alexander	2/1/2012	2.126 - No rep. present	No Photos	No Report
245 Mt Zion Rd	2/29/2012	No violations		

Russellville, AR 10802	4/11/2013	No violations		
B & M's Kennel	2/27/2014	2.40 - Dog has hair loss on back and hind quarters		
Charles Deeds	7/12/2011	No violations	No Photos	No Report
10858 Galla Rock Rd	5/8/2012	2.40 - Dogs with ticks; dogs with hair loss on back and hind quarter area; dogs with long toe nails		
Dardanelle, AR 72834		2.50 - Dogs with no ID		
Deeds Kennel		3.11 - Areas with multiple days of waste accumulation		
71-A-1293	1/16/2013	2.40 - Medication with no label or instructions		
		2.40 - Dog with scabbing area on paw; dog with extreme itchiness		
		3.1 - Dogs have dug holes under their cages		
		3.1 - Floors are chewed and in need of repair		
		3.4 - No wind/rain breaks		
Cindy Ragland	4/19/2011	No violations	No Photos	No Reports
Po Box 737	9/6/2011	No violations		
Marshall, AR 72650	9/4/2012	No violations		
Ragland's Kennel	8/1/2013	2.40 - Dog has "goopy" matter on both lids of right eye		
71-A-1296		2.50 - Undocumented dogs on grounds		
Jesus Morfin	6/7/2011	No violations	No Photos	No Report
657 Hwy 221N	6/4/2012	No violations		
Berryville, AR 72616	5/1/2013	No violations		
71-A-1152				
Karen Nordquist	4/18/2013	2.40 - Dog with untreated open wound and injury to leg (unable to put weight on leg); swollen masses on paws; expired medicine	No Photos	No Report
404 Cyclone Lane		3.4 - No shade for dogs		
Waterville, KS 66548		3.4 - No wind or rain breaks		
48-A-1340		3.4 - No bedding despite temperatures of 25 degrees F		
		3.6 - Mixture of sand and water accumulating in housing		
	4/22/2013	No violations		
	8/8/2013	2.126 - No rep. present		
	10/21/2013	No violations		

LaNae Jackson 424 6th Rd Clifton, KS 66937 Jackson Kennels 48-A-1849	3/8/2012	2.40 - Open wound in side of dogs' neck	No Photos	No Report
		3.9 - Bird droppings in dog food receptacles		
	3/12/2012	No violations		
	4/25/2013	2.126 - No rep. present		
	6/3/2013	2.40 - Untreated wound to ear of dog		
		3.1 - Housing is insecure and unstable		
		3.1 - Metal gates are rusting		
		3.1 - Wires are broken off and protruding into dog cages		
		3.1 - Surfaces to housing cannot be cleaned or sanitized		
		3.9 - Food receptacles have rusted, jagged edges		
		3.10 - Water bowls have jagged edges		
	12/17/2013	2.126 - No rep. present		
Marilyn Joseph RR 1 Box 370 Ava, MO 65608 Best Buddies 43-A-3421	4/22/2011	No violations	No Photos	No Report
	5/2/2012	No violations		
	5/10/2013	2.126 - No rep. present		
	6/10/2013	No violations		
Mark Riley 8875 CR 7590 Pottersville, MO Riley Kennel 43-A-4256	11/16/2011	No violations	No Photos	No Report
	1/30/2013	2.75 - Missing information on 52 dogs		
	2/24/2014	No violations		
Barkers Delux 30600 Sterling Rd Laquey, MO 65534 43-A-5735	8/31/2011	2.40 - Written program of veterinarian care is incomplete and inaccurate	No Photos	No Report
		2.40 - Dog with inflamed areas between toes; dog with open sore on left ear; dog with greenish discharge on both eyes; dogs with overgrown toenails		
		2.40 - Medicine with no directions		
		2.75 - Missing information on dogs		
		3.1 - Rusted surfaces in housing		

		<p>3.1 - Housing has buildup of dirt and grime</p> <p>3.1 - Open bag of food in building, breeder was not actively feeding dogs</p> <p>3.1 - Accumulating waste water around the dogs due to broken drainage system</p> <p>3.3 - Broken lights in buildings, dogs are being kept in the dark</p> <p>3.6 - Boards on bottom of dog "igloos" are chewed</p> <p>3.6 - Loose wires facing into housing structures</p> <p>3.6 - Holes in housing large enough for dogs to stick head through</p> <p>3.6 - No written plan of exercise for some dogs</p> <p>3.9 - Old caked food on feeders</p> <p>3.9 - Chewed food feeders</p> <p>3.10 - Water receptacles are badly chewed</p> <p>3.11 - Excessive amount of flies throughout facility</p>		
	9/26/2011	<p>2.40 - Dog has discharge in both eyes</p> <p>3.4 - Structures for dogs without roofs of wind/rain breaks</p> <p>3.6 - Housing structures are chewed and rough</p> <p>3.6 - Dogs legs are falling through the flooring</p> <p>3.11 - Some housing cannot be sanitized</p>		
	10/4/2011	No violations		
	3/27/2012	No violations		
Phil Hoover RR2 Box 142A Memphis, MO 63555 Show Me Puppies 43-A-5673	4/19/2011	No violations	No Photos	No Report
	4/23/2012	No violations		
	4/10/2013	No violations		
Betty Mings 7930 Hwy 95 Mountain Grove, MO	5/17/2012	<p>3.1 - Excessive rust on housing surfaces</p> <p>3.6 - Inadequate height for dogs</p>	No Photos	No Report

65711 Bet-ter Kennel 43-A-0516	6/25/2013	No violations		
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Julie Snidow Po Box 134 Galt, MO 64641 43-A-3124	4/12/2011	3.4 - Inadequate height for dogs	No Photos	No Report
		3.11 - In outdoor enclosure there is a layer of dried feces		
	1/18/2012	No violations		
	4/3/2013	No violations		

Cindy Weaver 328 Rd 31 Elk City, KS 67334 48-A-1486	10/26/2011	2.126 - No rep. present	No Photos	No report
	11/17/2011	No violations		
	9/27/2012	No violations		
	8/20/2013	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
David Remy 890 W 6th Booneville, AR 72927 71-B-0201	2/28/2012	2.40 - Dog with scabby area between eyes; multiple dogs with hair loss 2.50 - Dogs without ID 2.76 - No documentation of dog sales	No Photos	No Reports
	4/9/2013	3.1 - Waste material accumulating on housing 3.1 - Water PVC piping has thick, sticky brown grime covering the surface		

Oleo Acres Kennels 970 180th St Britt, IA 50423 641-843-3994 42-B-0265	8/30/2011	No violations	No Photos	No Report
	2/14/2012	No violations		
	1/23/2013	No violations		

King James Kennel 2483 State Road 78 Willow Springs, MO 85793 Jeff Conger 43-B-3719	7/10/2012	No violations	No Photos	No Report
	7/23/2012	No violations		
	2/12/2013	No violations		
	3/5/2014	No violations		

2552 Coney Island Ave.
Brooklyn, NY 11223

**NYC Pet Hotel &
Boutique**

2200 Avenue X
Brooklyn, NY 11235

**Brooklyn Zoo &
Aquarium**

2377 Ralph Ave.
Brooklyn, NY 11234

Furry Dream

141 Bay 35th St
Brooklyn, NY 11214

NYC Pet Direct

122 Graham Ave.
Brooklyn, NY 11206

Janes Pups Inc.

1773 West 1st
Brooklyn, NY 11223

Citipups

147th Eight Ave.
New York, NY 10011

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Doedi Britt 38761 Hwy 3 Callao, MO 63534 Kountry Kanines 43-A-5762 43-A-4437	4/19/2012	2.40 - Inadequate program of veterinary care 2.40 - Dog with cloudy appearance to left eye; flakes in dogs hairs; dog with symptoms of gum disease; dog with yellow to green color coating eye 2.40 - Numerous medications that are expired, improperly labeled, and dirty 3.1 - Surfaces and toys that cannot be cleaned 3.1 - Areas in the facility where hair and grime are accumulating 3.1 - Trash containers with loose lids 3.9 - Caked and moldy food in feeding containers; dark grime on feeding containers	PHOTOS	No Report
	4/24/2012	No violations		
	11/6/2012	2.40 - Dog with excessively long toenails		
	1/3/2014	No violations		
Teresa Fox 1990 Clouse Rd Macomb, MO 65702 Meadowstar Kennel 43-A-5332	3/19/2012	No violations	No Photos	No Report
	4/15/2013	No violations		
	3/18/2014	No violations		
Angela Kochs 1903 State Hwy A C Niangua, MO 65713 43-A-5611	10/3/2012	2.40 - Dog cannot put weight on all legs 3.4 - No wind or rain breaks 3.4 - Not enough space for dogs in housing 3.6 - Broken wire facing into housing	PHOTOS	No Report

	9/3/2013	2.40 - Dog was attempting to give birth during inspection without veterinarian assistance		
	9/10/2013	2.40 - Facility representative failed to notice that dog was giving birth		
	9/10/2014	2.50 - Dogs without IDs		
		No violations		
		2.50 - 30 dogs without IDs		
Jeff and Kim Williams 7523 Hwy TT Grovespring, MO 65662 Dawg Wilde Kennel 43-A-2372	6/26/2012 10/28/2013	3.1 - Excessive rust on housing 2.50 - 30 dogs without IDs 3.3 - Wooden frame is not impervious to moisture	No Photos	No Report
Jo, Katie and Roger Hubner 9801 East 20th Mountain Grove, MO 65711 Dusty Trails Ranch 43-A-3816	9/21/2011 9/10/2012 9/25/2012 1/13/2014	No violations No violations No violations No violations	No Photos	No Report
Paula Evans 893 Hwy 64 Buffalo, MO 65622 A One Frenchies 43-A-5462	6/8/2011 7/25/2012	No violations No violations	No Photos	No Report
Rae Lynn Mercer 9885 Hwy z Hartville, MO 65667 Rambling Kennels 43-A-3264	6/14/2012 12/3/2013	No violations No violations	No Photos	No Report
Steve Tackitt 1846 County Rd 6070 West Plains, MO 65775 Grassy Hill Farms 43-A-5660	2/27/2012 3/12/2013 1/23/2014	No violations No violations No violations	No Photos	No Report
Elaine Wilson 554 Rt F Everton, MO 65646 43-A-4205	10/29/2012 7/9/2013 7/10/2013 3/24/2014	No violations 2.40 - Dog with front paw that is swollen; medicine without a label or treatment plan No violations No violations	No Photos	No Report

Kent and Ellen Horn	10/2/2012	No violations	No Photos	No Report
10142 Hwy A A	8/5/2013	3.1 - Food is not properly closed		
Grovespring, MO 65662				
Ken-El Kennels				
43-A-0846				

Melanie Moore	5/17/2011	2.126 - No rep. present	No Photos	No Report
137 S KK Hwy	1/18/2012	No violations		
Lamar, MO 64759	12/11/2012	No violations		
MAM Kennel	3/4/2014	2.126 - No rep. present		
43-A-5625				

James/Kathy Sanborn	10/13/2011	No violations	PHOTOS	No Report
PO Box 163	7/10/2012	2.126 - No rep. present		
Cherokee, OK 73728	10/10/2012	No violations		
73-A-2634	3/25/2014	No violations		

Marla Vernon	8/12/2011	No violations	No Photos	No Report
121 Park Drive	4/30/2012	No violations		
Sayre, OK 73662				
73-A-2643				
CANCELLED				

Lu Ann Crigler	7/7/2011	2.126 - No rep. present	No Photos	No Report
Rt 1 Box 107	9/26/2011	No violations		
Rosston, OK 73885	9/4/2012	3.11 - Surfaces in contact with dogs have accumulation of grime and dirt		
Lu's Little Poodle Place				
73-A-2458	5/4/2013	2.126 - No rep. present 3.11 - Surfaces in contact with dogs have accumulation of grime and dirt		

Norene Lucas	4/3/2012	2.126 - No rep. present	No Photos	No Report
Rt 2 Box 113	4/26/2012	No violations		
Arnett, OK 73832	3/27/2013	2.126 - No rep. present		
Puppyland	5/13/2013	2.126 - No rep. present		
73-A-2283	6/20/2013	No violations		

Zola Price	7/20/2011	No violations	No Photos	No Report
Rt 2 Box 309	6/16/2012	2.126 - No rep. present		
Laverne, OK 73848	5/31/2012	No violations		
Laverne Vet Hospital	4/18/2013	3.6 - Housing surfaces are chewed-up		
73-A-1533				

Eva, Ty, Mickey Bentley	4/11/2012	3.6 - Sharp edges facing in towards housing	No Photos	No Report
RR 1 Box 146				

Rosston, OK 73855 Bentley Kennel 73-A-1326	4/8/2013	3.11- Throughout facility, there is grime, dirt and other debris		
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Paul Urbanec 1912 Hwy 94 Pender, NE 68047 47-A-0540	1/15/2013	2.126 - No rep. present	No Photos	No Report
	1/16/2013	3.1 - Insulation is falling off the walls and ceiling of buildings with dog pens		
		3.1 - Jagged wire in cages		
		3.1 - Areas are not being cleaned daily		
		3.9 - Excessive buildup of caked on food on feeders		
	7/30/2013	2.126 - No rep. present		
	11/6/2013	2.126 - No rep. present		
	12/9/2013	2.126 - No rep. present		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Connie Crewse 9612 Hwy 38 Graff, MO 65660 County Line Farm 43-B-3476	3/20/2012	No violations	No Photos	No Reports
	4/17/2013	No violations		

Gayle Maynard Charles and Todd M 10315 State Hwy 38 Marshfield, MO 65706 43-B-3569	9/26/2012	No violations	No Photos	No Reports
	10/30/2013	No violations		

Pet Fasion by Carlos
701 W 181st St.
New York, NY 10033

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
The Hunte Corporation 121 N Royhill Ave	10/7/2011	No violations	No Photos	No Report
	10/7/2012	No violations		

Goodman, MO 64843	10/19/2012	No violations
43-B-0123	1/6/2014	No violations
	1/8/2014	No violations

Chelsea Kennel Club

213 7th Avenue
New York, NY 10011

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Dee O'Bar 5122 Barber Rd Booneville, AR 72927 Jodot Farm 71-A-1153	10/18/2011 2/1/2012 1/3/2013 1/30/2013 4/9/2013	2.126 - No rep. present 2.40 - Dogs with hair loss; dogs with extremely matted hair 3.1 - Dirt, food, grime, rodent feces, dead insects around enclosures 3.1 - Rodent feces and dead insects around food 2.126 - No rep. present 2.40 - Dog with missing teeth; dog with crusting around eye 3.1 - Materials on top of kennels 3.1 - Wire floors to kennels with excessive rust 3.11 - Excessive accumulation of feces and excreta 3.11 - Floors of a housing enclosure are covered with dirt/mud	No Photos	No Reports
Wardell Locklear 3119 Reeves Rd Hackett, AR 72937 Winswept Kennels 71-A-0855	8/2/2011 6/5/2012 3/19/2013	No violations No violations No violations	No Photos	No Report
Bill/William Clarke 172 Willow Rd Yates Center, KS 66733 Clarkes Hillside Kennel 48-A-1275	11/14/2011	2.40 - Untreated overgrown toenail 3.1 - Open gaps in housing 3.1 - Excessive rust on housing 3.1 - Exposed screws facing towards the dogs, jagged fiberglass sharp points in housing	PHOTOS	No Report

		<p>3.1 - Plastic dog igloos are chewed and jagged, wooden housing is rotting</p> <p>3.4 - No wind or rain breaks</p> <p>3.6 - Broken, protruding wires in housing, sharp jagged dividers between housing</p> <p>3.8 - No copy of exercise program for dogs</p> <p>3.9 - Food receptacles have jagged edges, dirt and grease caked on interior of food receptacle, old caked food on food receptacles</p> <p>3.10 - Water receptacles have jagged edges</p> <p>hairs are collecting on interior</p>		
	8/22/2012	<p>2.40 - Dogs are infested with ticks; dog has hair loss throughout body; symptoms of dental disease; fluid buildup between toes of dogs</p> <p>3.4 - Wood structures are not impervious to moisture</p> <p>3.10 - Water has green looking film substance covering entire interior surface area</p> <p>3.11 - Cobwebs covering housing area</p>		
	12/4/2012	2.126 - No rep. present		
	2/5/2013	<p>2.40 - Abnormal tissue protruding from pads; untreated open wounds; dog limping without ability to put weight on front paw; symptoms of gum disease on dog; another dog was limping and had a puffy paw</p> <p>3.1 - Dirt, grease, and other excreta on doors</p> <p>3.10 - Water receptacle has rough, jagged edge</p>		
	3/13/2013	No violations		
	7/2/2013	2.126 - No rep. present		
	9/18/2013	No violations		

John Nordquist

4/18/2013

2.40 - Dog has open wound on

No Photos

No Report

Heartland Kennel Tailswest
 404 Cyclone
 Waterville, KS 66548
 48-A-1340

foot, cannot put weight on it; dog
 has swollen mass of tissue on foot
2.40 - Medication is expired
3.4 - No shade available for dogs
3.4 - No wind or rain breaks
3.4 - No bedding in the shelter
 despite temperature of 25 degree
 F
3.6 - Mixture of sand and water in
 housing, standing water in
 housing
 4/22/2013 No violations
 8/8/2013 **2.126** - No rep. present
 10/21/2013 No violations

Kevin D. Street	8/29/2011	No violations	PHOTOS	No Report
18328 Pike 318	11/7/2012	2.40 - Dog with hair loss and swollen paw		
Bowling Green, MO 63334		3.6 - Sharp points facing into housing		
Streets Kennel		3.9 - Feeders with caked food and grime buildup		
43-A-5486	11/9/2013			

Marilyn Joseph	4/22/2011	No violations	No Photos	No Report
RR 1 Box 370	5/2/2012	No violations		
Ava, MO 65608	5/10/2013	2.126 - No rep. present		
Best Buddies	6/10/2013	No violations		
43-A-3421				

Connie Decker	5/31/2011	3.1 - Green accumulation of waste is attracting flies close to dogs	No Photos	No Report
Rt 1 Box 3450		3.4 - Shelter does not provide adequate space		
Dora, MO	6/13/2012	No violations		
43-A-3536	2/26/2013	2.50 - Dogs without ID		
	1/30/2014	No violations		

Maureen Butler	10/3/2011	2.126 - No rep. present	PHOTOS	No Report
3101 US 160	11/1/2011	3.6 - More space is required for dogs		
West Plains, MO		3.6 - More space is required for dogs		
65775				
43-A-5702				

10/9/2012 **2.40** - Dog with discharge in eye; dog with cloudy eye; dog with yellow discharge; dog with cloudy eye; dog has discharge and cloudiness in eyes; dog has brown material on teeth and several missing teeth

3.11 - Rodent feces near food; several dogs have fleas

8/26/2013 **3.4** - Structures are not impervious to moisture; structure has algae on it

3/21/2014 **2.40** - Dog is limping on back leg; two dogs have golf ball size masses on the body/abdomen

Betty Mings 7930 Hwy 95 Mountain Grove, MO 65711	5/17/2012	3.1 - Excessive rust on housing surfaces 3.6 - Inadequate height for dogs	No Photos	No Report
Bet-ter Kennel	6/25/2013	No violations		

Tammy Landsdown 1039 Morningside Rd Seymour, MO 65746	3/14/2012	No violations	No Photos	No Report
Landsdown Kennel 43-A-1268	6/10/2013	No violations		

James Bixenman 33793 Colony Ave New Cambria, MO 63558	3/5/2012	No violations	No Photos	No Report
Circle B Farms 43-A-4396	3/14/2013	2.40 - Breeder is possessing expired medication and medication not labeled for dogs		

Dwayne Hurliman RR3 Box 6A Cordell, OK 73632	10/31/2011	2.126 - No rep. present	No Photos	No Report
	11/29/2011	No violations		
	12/7/2012	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Sandra Rottinghaus 1122 128th Rd Seneca, KS 66583 48-B-0914 CANCELLED		Unable to find in USDA database	No Photos	No Report

Karen Buffalohead	2/28/2012	No Violations	No Photos	No Report
776 First St	11/15/2012	No Violations		
Eucha, OK 74342	11/13/2013	No Violations		
73-B-1843				

Pets on Lex

1109 Lexington Avenue
New York, NY 10021

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Carla Zumbach	11/2/2011	No violations	No Photos	No Report
21473 200th Ave	12/17/2012	No violations		
Monticello, IA 52310	3/10/2014	2.75 - The records of animals on hand are incomplete		
42-A-1102				
Colleen Ries	11/2/2011	No violations	No Photos	No Report
1835 301th St	12/17/2012	No violations		
Ryan, IA 52330	3/10/2014	2.75 - Dogs on grounds that are not documented		
Wishbone Kennels				
42-A-0950				
Tara Dillon	8/1/2011	No violations	No Photos	No Report
19252 Hwy 59	8/6/2012	No violations		
Erie, KS 66733	4/11/2013	No violations		
48-A-2019				
Joan Dale	9/27/2011	2.126 - No rep. present		
Rt 1 Box 18	1/4/2012	2.40 - Dog with symptoms of gum disease		
Knox City, MO 63446	3/4/2013	No violations		
43-A-5704	3/25/2014	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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Citipups

45 Christopher Street
New York, NY 10014

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Jack and Freda Horton 104 CO Rd 644 Green Forest, AR 72638 Hortons Kennel 71-A-0806	6/6/2011 6/12/2012 5/30/2013	No violations No violations No violations	No Photos	No Report
Duane Slagley 6633 Republican Rd Salem, AR 72576 Happy Acres Kennel		No information found	No Photos	No Report
Jeff Epley 343 CR 705 Berryville, AR 72616 71-A-1013	5/17/2011 6/5/2012 6/11/2012 5/6/2013	No violations 2.1.26 - No rep. present No violations No violations	No Photos	No Report
Emma Tillery 260 R&R Lane Booneville, AR 72927 71-A-1110	7/6/2011 8/30/2012 12/12/2012	2.40 - Medication past expiration date 2.126 - No rep. present 3.4 - No wind or rain breaks	No Photos	No Report
Paula Evans 893 Hwy 64 Buffalo, MO 65622 A One Frenchies 43-A-5462	6/8/2011 7/25/2012	No violations No violations	No Photos	No Report
Teresa Fox 1990 Clouse Rd Macomb, MO 65702 Meadowstar Kennel 43-A-5332	3/19/2012 4/15/2013 3/18/2014	No violations No violations No violations	No Photos	No Report
Pat Cabtree 1525 CR O Saint Francis, KS 67756 48-A-1641	12/13/2012 4/2/2013	2.50 - Dogs without ID 2.75 - Dogs without proper documentation 3.1 - There is a bottle of concentrated bleach on top of a dogs house 2.40 - Dog with symptoms of gum disease; dog with limp and swollen foot and symptoms of gum disease; dog unable to put weight on back leg; dog with long	<u>PHOTOS</u>	No Report

		nails; dog with matted coat; expired medication		
		2.50 - Dogs without IDs		
		2.75 - Dogs without proper documentation		
		3.6 - Housing with large gaps and exposed sharp wires		
	4/29/2013	2.75 - Dogs without proper documentation		
	7/29/2013	2.126 - No rep. present		
	9/16/2013	2.40 - Dog with swelling on side of her face and symptoms of gum disease; other dogs with swelling in the face; dogs with long toenails; expired medications and medications without expiration date		
		2.50 - Dogs without ID		
		2.75 - Dogs without proper documentation		
		3.1 - Breeder is stacking clutter on top of cages		
		3.1 - Unsealed dog food in facility; bottle of bleach on top of cages		
		3.4 - No wind/rain break		
		3.6 - Broken wires facing into cage		
		3.9 - Build up of grime in feeder		
	10/24/2013	No violations		
	2/12/2014	2.126 - No rep. present		

Jo, Katie and Roger Hubner	9/21/2011	No violations	No Photos	No Report
9801 East 20th	9/10/2012	No violations		
	9/25/2012	No violations		
Mountain Grove, MO 65711				
Dusty Trails Ranch	1/13/2014	No violations		
43-A-3816				

Tina Bolin	4/21/2011	No violations	No Photos	No Report
9245 1st Road	5/4/2012	No violations		
Mountain Grove, MO 65711	5/20/2013	No violations		
B-4 Kennel				
43-A-4085				

Tammy Rogers	9/27/2011	No violations	No Photos	No Report
10655 Red Springs Rd	9/20/2012	No violations		

Mountain Grove, MO 65711 43-A-4422	7/16/2013	No violations		
Alisa Breedlove 21309 Risky Rd Waynesville, MO 65583 Breedlove's Unique Kennel 43-A-4023	9/29/2011 7/12/2012 11/20/2013	No violations No violations No violations	No Photos	No Report
Ruth Zuspann 618 E North St Edina, MO 65357 Zuspann Kennel 43-A-1013 CANCELLED	6/9/2011 7/6/2011 8/2/2011 8/16/2011 12/15/2011	2.40 - Dog with discharge from eye and vision problems 2.75 - Dogs without proper documentation 3.1 - Accumulation of dirt and grime on housing enclosures 3.6 - Dogs with inadequate head space in housing 2.40 - Dog with discharge from both eyes; dog unable to put weight on front foot 3.6 - Holes in floor that could pinch or trap dogs' legs 2.126 - No rep. present No violations No violations	No Photos	No Report
Rae Lynn Mercer 9885 Hwy z Hartville, MO 65667 Rambling Kennels 43-A-3264	6/14/2012 12/3/2013	No violations No violations	No Photos	No Report
Verna and Elmer Sparkman 321 Raintree Lane Poplar Bluff, MO 63901 Sparkman Kennel 43-A-5479 CANCELLED	2/1/2012	No violation	No Photos	No Report
Kent and Ellen Horn 10142 Hwy A A Grovespring, MO 65662 Ken-El Kennels 43-A-0846	10/2/2012 8/5/2013	No violations 3.1 - Food is not properly closed	No Photos	No Report
Joyce and Loyd Spear 2326 E 364th Rd	10/14/2011 8/21/2012	No violations No violations	No Photos	No Report

Louisburg, MO 65685	6/4/2013	No violations		
43-A-5046	1/28/2014	No violations		

Gus and JD Acreback 4 Bison Rd Buffalo, MO 65622 Unknown USDA #		No USDA License Found		
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James/Kathy Sanborn	10/13/2011	No violations	PHOTOS	No Report
PO Box 163	7/10/2012	2.126 - No rep. present		
Cherokee, OK 73728	10/10/2012	No violations		
73-A-2634	3/25/2014	No violations		

Britt Trotter	3/26/2011	No violations	No Photos	No Report
101 Nekoosa Dr	4/24/2012	No violations		
Antlers, OK 74523				
Trotter Kennel Trot				
73-A-1893				
CANCELLED				

Zola Price	7/20/2011	No violations	No Photos	No Report
Rt 2 Box 309	6/16/2012	2.126 - No rep. present		
Laverne, OK 73848	5/31/2012	No violations		
Laverne Vet Hospital	4/18/2013	3.6 - Housing surfaces are chewed-		
73-A-1533		up		

Sandra Sierks	3/6/2012	3.1 - Rough and broken tin	No Photos	No Report
42313 Middle Loup		exposed to dogs		
Dunning, NE 68833		3.6 - Gaps large enough in		
South Paw Kennels		enclosures for dogs to escape		
47-A-0473		from		
	3/27/2013	2.126 - No rep. present		

<u>Brokers</u>	<u>Dates of USDA</u> <u>Investigations</u>	<u>USDA Violations</u>	<u>USDA</u> <u>Photos</u>	<u>CAPS</u> <u>Investigations</u>
Sanjon Kennel	9/22/2011	No violations	No Photos	No Report
Sandi & John Blake	2/7/2013	No violations		
2560 US Hwy 65	3/13/2014	No violations		
Louisburg, MO 65685				
43-B-3515				

Connie Crewse	3/20/2012	No violations	No Photos	No Reports
9612 Hwy 38	4/17/2013	No violations		
Graff, MO 65660				
County Line Farm				
43-B-3476				

3/13/2013

2.40 - Dog with symptom of gum disease; dog with lesion on scrotum; dog with reddened area of skin on side; dog exhibiting extremely abnormal behavior; licensee is using Prolate Dip for Cattle on dogs, despite not being approved for dogs

2.50 - Dogs without IDs

3.1 - Inadequate construction for housing

3.1 - Unapproved items used on animals, such as shredded newspaper; items placed on top of cages which can be harmful to dogs; areas that are likely to attract rodents around housing

3.1 - Cut sections of wire fencing with sharp points

3.1 - Walls of enclosure that are no longer in good repair

3.1 - Open containers of bedding material that can become contaminated

3.1 - There is a bucket of urine in a facility, excessive accumulation of fecal matter

3.2 - Inadequate lighting

3.3 - Very strong ammonia and fecal smell in a building, inspector was unable to breathe

3.6 - Insufficient space for dogs

3.11 - Fecal matter smashed and smeared in housing facility; area under a shelter facility had accumulation of hair, fecal matter, grime, and dirt

3.11 - Accumulation of miscellaneous items and tall grass around sheltered facility

6/26/2013

2.40 - Dog with matted hair containing fecal accumulation with buildup of crusty material around eye and symptoms of gum disease; medications that were past expiration (as much as 5 years old)

	10/23/2013	<p>3.3 - Cement dividers between buildings that can absorb moisture</p> <p>2.40 - Dog limping with lesion on foot; dog with several areas of reddened skin and lesions on the scrotum, dog is missing a foot (this dog has been identified for scrotal lesions before); dog was laying in wet housing and had red areas on stomach</p>		
	3/12/2014	<p>3.1 - Excessive rust on building</p> <p>3.1 - Interior doorways with brownish dirt and grime on them</p> <p>2.126 - No rep. present</p>		

Kylie Good
320 Midway Rd
Eldon, MO 65026
Razorback Ridge Kennel
43-A-3738

11/2/2011

3.1 - Excessive accumulation of dirt and grime

3.1 - Sewage pipe is broken, creating pool of waste, with flies and algae present

3.9 - Feeders have accumulation of dirt and grime

3.11 - Excessive amount of food and fecal waste in facilities

No Photos

No Report

Melanie Moore
137 S KK Hwy
Lamar, MO 64759
MAM Kennel
43-A-5625

5/17/2011

2.126 - No rep. present

No Photos

No Report

1/18/2012

No violations

12/11/2012

No violations

3/4/2014

2.126 - No rep. present

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Susie Reid 19273 Hwy HH Lebanon, MO 65536 Cedar Woods Kennel 43-B-3711	10/4/2011	<p>2.40 - Written Program of Veterinary Care (PVC) is incomplete</p> <p>2.75 - Incomplete documentation of dogs</p> <p>3.1 - Door to housing is in poor condition with sharp edges</p> <p>3.1 - Piles of tubs and pans next to housing</p> <p>3.1 - Housing facilities need to be cleaned</p>	No Photos	No Report

10/20/2011 3.6 - Surfaces cannot be properly sanitized
 11/28/2011 3.6 - Dogs feet and legs are falling through the flooring
 1/9/2013 3.8 - Incomplete exercise plan
 3/5/2014 No violations
 No violations
 No violations
 3.1 - Surfaces cannot be properly sanitized
 3.4 - Lack of bedding despite temperatures as low as 45 degrees F

Lepetit Puppy
 18 Christopher Street
 New York, NY 10014

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Kathy Parish 11354 Rock Creek Rd Mansfield, AR 72944 K & J Kennels 71-A-1249	9/8/2011	3.1 - Accumulation of dirt and grime on doorways 3.1 - There were drainage leaks affecting the wash-down area	PHOTOS	No Report
	6/13/2012	3.1 - Doggy doors with accumulation of dirt and grime 3.6 - Dog door that is missing a frame due to rust		
	10/2/2012	3.6 - Dog door that is missing a frame due to rusting		
	9/10/2013	3.1 - Grass around building needs to be cut, and there is a clutter of material around buildings 3.1 - Extensive rust on buildings 3.1 - Excessive amount of dirt, flies, and spider webs around building		
	12/4/2013	3.11 - Excessive flies, pest management program is needed 3.1 - Accumulation of cobwebs, dead insects, dust and grime covering surfaces		

		<p>3.1 - Drainage system is clogged with accumulation of feces, hair and mud</p> <p>3.6 - Sharp wire facing towards dogs</p> <p>3.6 - Holes in flooring are large enough for puppies' feet and legs to pass through</p>		
Charles Deeds 10858 Galla Rock Rd Dardanelle, AR 72834 Deeds Kennel 71-A-1293	7/12/2011 5/8/2012 1/16/2013	<p>No violations</p> <p>2.40 - Dogs with ticks; dogs with hair loss on back and hind quarter area; dogs with long toe nails</p> <p>2.50 - Dogs with no ID</p> <p>3.11 - Areas with multiple days of waste accumulation</p> <p>2.40 - Medication with no label or instructions</p> <p>2.40 - Dog with scabbing area on paw; dog with extreme itchiness</p> <p>3.1 - Dogs have dug holes under their cages</p> <p>3.1 - Floors are chewed and in need of repair</p> <p>3.4 - No wind/rain breaks</p>	No Photos	No Report
Dee O'Bar 5122 Barber Rd Booneville, AR 72927 Jodot Farm 71-A-1153	10/18/2011 2/1/2012 1/3/2013 1/30/2013 4/9/2013	<p>2.126 - No rep. present</p> <p>2.40 - Dogs with hair loss; dogs with extremely matted hair</p> <p>3.1 - Dirt, food, grime, rodent feces, dead insects around enclosures</p> <p>3.1 - Rodent feces and dead insects around food</p> <p>2.126 - No rep. present</p> <p>2.40 - Dog with missing teeth; dog with crusting around eye</p> <p>3.1 - Materials on top of kennels</p> <p>3.1 - Wire floors to kennels with excessive rust</p> <p>3.11 - Excessive accumulation of feces and excreta</p> <p>3.11 - Floors of a housing enclosure are covered with dirt/mud</p>	No Photos	No Reports
Wardell Locklear	8/2/2011	No violations	No Photos	No Report

3119 Reeves Rd	6/5/2012	No violations
Hackett, AR 72937	3/19/2013	No violations
Winswept Kennels		
71-A-0855		

Tanni Morris 11323 S Hwy 215 Charleston, AR 72933 Tanni's Precious Paws 71-A-1287	11/3/2011	2.40 - Dog with gray mass on gums; dog with three lesions; dog weak, trembling, and undersized 3.1 - Cobwebs, dead flies, and dead insects in housing around dogs 3.3 - Strong smell of ammonia and waste	No Photos	No Report
	11/14/2011	2.40 - Breeder failed to bring dogs to vets for medically required visits		
	5/14/2013	2.40 - Dog with excessively matted hair; dog with red, swollen gums; dog with discharge from both ears 3.6 - Dogs feet are falling through the floor 3.11 - Excessive fecal accumulation is attracting flies		
	9/11/2013	2.126 - No rep. present		
	10/30/2013	2.40 - Dogs with excessively matted hair; dog with discharge from both eyes; dogs with severe accumulation of exudate on gums; dog was severely underweight and hungry 2.50 - Dogs without IDs 3.1 - Waste run-off is draining into a shallow ditch behind kennel. It is essentially an open sewer		
	12/12/2013	2.40 - Dog with cloudy and milky eye and accumulation of brown material on upper teeth		
	12/16/2013	No violations		
	3/25/2014	2.126 - No rep. present		

Connie Decker Rt 1 Box 3450 Dora, MO 43-A-3536	5/31/2011	3.1 - Green accumulation of waste is attracting flies close to dogs 3.4 - Shelter does not provide adequate space	No Photos	No Report
	6/13/2012	No violations		

2/26/2013 2.50 - Dogs without ID
1/30/2014 No violations

Gary Mc Kinney 4717 Hwy B Park Hills, MO 63601 Mack Kennels 43-A-5683	6/15/2011 6/21/2012 4/23/2013	No violations No violations No violations	PHOTOS	No Report
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Barkers Delux 30600 Sterling Rd Laquey, MO 65534 43-A-5735	8/31/2011	2.40 - Written program of veterinarian care is incomplete and inaccurate 2.40 - Dog with inflamed areas between toes; dog with open sore on left ear; dog with greenish discharge on both eyes; dogs with overgrown toenails 2.40 - Medicine with no directions 2.75 - Missing information on dogs 3.1 - Rusting surfaces in housing 3.1 - Housing has buildup of dirt and grime 3.1 - Open dog of food in building, breeder was not actively feeding dogs 3.1 - Accumulating waste water around the dogs due to broken drainage system 3.3 - Broken lights in buildings, dogs are being kept in the dark 3.6 - Boards on bottom of dog "igloos" are chewed 3.6 - Loose wires facing into housing structures 3.6 - Holes in housing large enough for dogs to stick head through 3.6 - No written plan of exercise for some dogs 3.9 - Old caked food on feeders 3.9 - Chewed food feeders 3.10 - Water receptacles are badly chewed 3.11 - Excessive amount of flies throughout facility	No Photos	No Report
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	9/26/2011	2.40 - Dog has discharge in both eyes		
		3.4 - Structures for dogs without roofs of wind/rain breaks		
		3.6 - Housing structures are chewed and rough		
		3.6 - Dogs legs are falling through the flooring		
		3.11 - Some housing cannot be sanitized		
	10/4/2011	No violations		
	3/27/2012	No violations		
Betty Mings 7930 Hwy 95 Mountain Grove, MO 65711	5/17/2012	3.1 - Excessive rust on housing surfaces	No Photos	No Report
Bet-ter Kennel	6/25/2013	3.6 - Inadequate height for dogs		
		No violations		
Scottie Harper 502 US 160 Caulfield, MO	2/15/2012	3.1 - In outdoor enclosure there is standing water	PHOTOS	No Report
Lazy H Farms	3/14/2013	No violations		
43-A-5095	3/19/2014	No violations		
James Bixenman 33793 Colony Ave New Cambria, MO 63558	3/5/2012	No violations	No Photos	No Report
Circle B Farms	3/14/2013	2.40 - Breeder is possessing expired medication and medication not labeled for dogs		
43-A-4396				
Stacy/Don Jones 13659 Hwy B Lebanon, MO 65536	6/13/2011	2.40 - Written Program of Veterinary Care (PVC) is incomplete	PHOTOS	No Report
Sassys Classy Canines		2.40 - Incorrectly labeled medicine		
43-A-5717		3.4 - Dogs are being kept in outdoor facilities		
		3.4 - Breeder is using metal dog house without insulation		
		3.8 - There is no documented exercise plan		
		3.11 - Very tall weeds around puppies		
	6/17/2011	No violations		
	5/31/2012	No violations		
	8/20/2013	No violations		

Dwayne Hurliman	10/31/2011	2.126 - No rep. present	No Photos	No Report
RR3 Box 6A	11/29/2011	No violations		
Cordell, OK 73632	12/7/2012	No violations		
73-A-2621				

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
David Remy 890 W 6th Booneville, AR 72927 71-B-0201	2/28/2012	2.40 - Dog with scabby area between eyes; multiple dogs with hair loss 2.50 - Dogs without ID 2.76 - No documentation of dogs sales	No Photos	No Reports
	4/9/2013	3.1 - Waste material accumulating on housing 3.1 - Water PVC piping has thick, sticky brown grim covering the surface		

King James Kennel	7/10/2012	No violations	No Photos	No Report
2483 State Road 78	7/23/2012	No violations		
Willow Springs, MO 85793	2/12/2013	No violations		
Jeff Conger	3/5/2014	No violations		
43-B-3719				

American Kennels
798 Lexington Avenue
New York NY 10065

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Ruth Hamm	6/15/2011	2.126 - No rep. present	No Photos	No Report
37358 Hwy 3	9/15/2011	No violations		
Callao, MO 63534	11/26/2012	2.126 - No rep. present		
43-A-0925	1/24/2013	3.1 - Feces build up in multiple cages		

Ann Lord	7/18/2011	No violations	No Photos	No Report
31953 Mulberry Rd	9/12/2012	2.40 - Breeder is using rubber bands to cut off blood flow to tails to dock tails		
Stark City, MO 64866				
Paradise Bluff Puppy Luv		3.1 - Excessive amount of rust		
43-A-5722				

7/27/2013 No violations

Denise Benson	5/25/2011	2.75 - No IDs for dogs	PHOTOS	No Report
2460 Yutan Rd	6/21/2012	2.126 - No rep. present		
Scotia, NE 68875	12/19/2012	2.40 - Expired medicine; dog is walking with a noticeable limp and noticeable sores on feet		
Dogs R Us		3.1 - Surfaces that cannot be cleaned		
47-A-0237		3.11 - Dust and cobwebs on shelving		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Sanjon Kennel	9/22/2011	No violations	No Photos	No Report
Sandi & John Blake	2/7/2013	No violations		
2560 US Hwy 65	3/13/2014	No violations		
Louisburg, MO 65685				
43-B-3515				

Karen Highland	4/25/2012	No violations	No Photos	No Report
57508 Ram Rd	5/29/2013	No violations		
Milan, MO 63556				
Rocky Ridge Kennels				
43-B-3463				

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Canterbury Tails Pets 875 Dakota Rd McPherson, KS 67640 48-B-0319	11/28/2011 5/22/2012 7/11/2013	No violations 2.40 - Dog with hair loss; dog with copious dark discharge from eye 3.1 - Metal in housing areas are rusting	PHOTOS	No Report
Crittersville Kennel, Inc 37932 Drive 715 Po Box 515 McCook, NE 690014 47-B-0056	3/1/2013	2.78 - Shipped dogs without interstate health certificates	No Photos	No Report

Empire Puppies
164-13 Northern Blvd.
Flushing, NY 11358

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Country Boys Pets, LLC 10961 N Centerville Rd Williamsburg, IN 47358 32-B-0215	9/24/2012 8/26/2013 2/4/2014	No violations 2.75 - No interstate health certificates for breeders 2.130 - Broker is shipping puppies before the age of 8 weeks 3.6 - Inadequate space for dogs in cages 2.40 - Dog with lesion in both eyes 3.14 - Broker is overcrowding dogs in transportation 3.15 - Dogs crates were not secured in transportation, allowing the cages to slide 3.17 - Dog with lesions in both eyes and in poor health was transported	No Photos	No Report

Vanity Pups Boutique

38-13 Bell Blvd.

Bayside NY, 11361

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Shelly Cox 179 Richardson Rd Maynard, AR 72444 Big Creek Kennel 71-A-0960	3/14/2012 1/17/2013 1/22/2014	No violations No violations No violations	No Photos	No Report
Jesus Morfin 657 Hwy 221N Berryville, AR 72616 71-A-1152	6/7/2011 6/4/2012 5/1/2013	No violations No violations No violations	No Photos	No Report
Craig Taylor 2683 Taylor Ln Harrison, AR 72601 Taylor Mountain Kennels 71-A-1006	6/29/2011 6/26/2012 7/16/2012 5/22/2013	No violation 2.126 - No rep. present No violation No violation	No Photos	No Report
John and Linda Fromm 4083 Victory Rd Chetopa, KS 67336 J & L Kennels 48-A-1294	7/20/2011 7/12/2012 5/19/2013 2/19/2014	No violation No violation No violation No violation	No Photos	No Report
Marlene Aurand 13 N 170th St Salina, KS 67401 Aurand's Kennel 48-A-1602	8/2/2011 7/3/2012 8/15/2013	No violations No violations 3.1 - Broken jagged edges 3.1 Solid flooring does not cover entire flooring 3.6 - Lack of adequate vertical height 3.9 - Outdoor food receptacles were unprotected from rain	No Photos	No Report
Michelle Houck 3377 CR 1425 Coffeyville, KS 67337 48-A-1959	2/15/2012 1/31/2013 3/27/2013 3/29/2014	No violations 2.126 - No rep. present 2.40 - Dog with toenails that are too long No violations	No Photos	No Report

Mary Johnson 528 S 10th St Mc Cune, KS 66753 48-A-1570	7/6/2011 6/26/2012 3/20/2013 3/12/2014	No violations No violations No violations No violations	No Photos	No Report
John Nordquist Heartland Kennel Tailswest 404 Cyclone Waterville, KS 66548 48-A-1340	4/18/2013 4/22/2013 8/8/2013 10/21/2013	2.40 - Dog has open wound on foot, cannot put weight on it; dog has swollen mass of tissue on foot 2.40 - Medication is expired 3.4 - No shade available for dogs 3.4 - No wind or rain breaks 3.4 - No bedding in the shelter despite temperature of 25 degree F 3.6 - Mixture of sand and water in housing, standing water in housing No violations 2.126 - No rep. present No violations	No Photos	No Report
LaNae Jackson 424 6th Rd Clifton, KS 66937 Jackson Kennels 48-A-1849	3/8/2012 3/12/2012 4/25/2013 6/3/2013 12/17/2013	2.40 - Open wound in side of dogs neck 3.9 - Bird droppings in dog food receptacles No violations 2.126 - No rep. present 2.40 - Untreated wound to ear of dog 3.1 - Housing is insecure and unstable 3.1 - Metal gates are rusting 3.1 - Wires are broken off and protruding into dog cages 3.1 - Surfaces to housing cannot be cleaned or sanitized 3.9 - Food receptacles have rusted, jagged edges 3.10 - Water bowls have jagged edges 2.126 - No rep. present	No Photos	No Report
Brenda Ponting 206 E 4th St, Box 265 Hale, MO 64643 43-A-5133	6/3/2011	3.1 - Rusted housing 3.4 - Inadequate shade for dogs 3.4 - Housing not impervious to moisture	No Photos	No Report

3.6 - Objects with sharp edges in housing
3.6 - There is shredded housing insulation in cages
3.10 - Water receptacles have heavy green/brown algae covering them
3.11 - Food receptacles have been chewed excessively
3.11 - Overgrown weeds around cages
3.11 - Bugs, worms, bird droppings found in food
7/20/2011 **3.10** - Brownish green algae floating in water
11/15/2011 **3.1** - Fecal accumulation in outdoor enclosures and fecal and waste material in standing water around buildings
11/26/2012 **3.4** - No wind/rain break
3.4 - Inadequate structures
3.6 - Jagged edges in housing
3.10 - Brownish green algae floating in water
11/29/2012 No violations
3/5/2013 **3.4** - No wind/rain break
3.4 - Insufficient bedding despite 33 degree F temperatures
3.6 - Housing has large areas of mud in them
3.10 - Brownish green algae floating in water

Justin Keith
268 Keith Lane
Anderson, MO 64831
43-A-0944

5/1/2012

3/12/2013

2.40 - Dog is missing hair on most of its head, face, neck, back and several lesions on ears, head and neck
2.40 - Dogs with excessive matting on necks and bodies; dogs with excessive tartar on teeth
2.40 - Mother of litter is extremely skinny, and puppies age in size, with one dog being 1/3 the size of others; dogs that were returned for health reasons had not been treated
No Photos No Report

	3/27/2013	<p>3.2 - Indoor facility smells strongly of ammonia</p> <p>3.9 - Dog feeder has caked food at least 1 inch thick</p> <p>2.40 - Dog with fluid drainage from eye</p> <p>3.4 - Outdoor areas do not have shade</p> <p>3.9 - Caked food on the feeder at least 1 inch thick</p>		
	7/18/2013	<p>2.40 - Dogs with excessively long toenails</p> <p>2.75 - Breeder does not have a full list of dogs on hand</p> <p>3.1 - Openings in housing dividers large enough for dogs to get their heads stuck in</p> <p>3.1 - Thick, brown grime on dog doors</p> <p>3.9 - Black bugs crawling around dog feeders and large brown maggots in food</p> <p>3.10 - Dogs without access to water, dogs were crying for water when approached by inspector</p> <p>3.11 - Excessive accumulation of flies</p>		
	8/21/2013	2.126 - No rep. present		
	9/9/2013	3.1 - Excessive rusting on housing		
	12/18/2013	<p>3.6 - Not enough space for dogs</p> <p>3.8 - Enclosures with not enough exercise space for dogs</p> <p>3.11 - Evidence of rodents</p>		

Tammy Landsdown 1039 Morningside Rd Seymour, MO 65746 Landsdown Kennel 43-A-1268	3/14/2012 6/10/2013	No violations No violations	No Photos	No Report
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Allene Taylor 21284 Farm Rd 1065 Washburn, MO 65772 Taylors Kennels 43-A-0826	1/15/2013	<p>2.40 - Expired medication; dog with symptoms consistent with dental disease</p> <p>3.1 - Grime buildup on housing</p> <p>3.4 - No wind/rain breaks</p> <p>3.4 - Insufficient bedding despite temperatures of 29 degrees F</p>	PHOTOS	No Report
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	3/11/2014	<p>3.6 - Sharp points of wire through the facility</p> <p>3.6 - Multiple areas in facility need of repair</p> <p>2.40 - Expired medication and medication stored in incorrect conditions; dogs with matted hair; dogs with symptoms of gum disease (extremely severe case)</p> <p>3.1 - Accumulation of feces near housing</p> <p>3.4 - No wind/rain breaks</p> <p>3.6 - Multiple areas in facility need of repair</p>		
Melissa Klocke 27915 State Hwy N Ewing, MO 63440 43-A-5313	10/6/2011 12/18/2012 2/18/2014	No violations No violations No violations	PHOTOS	No Report
Shane Miller 30775 State Hwy N Ewing, MO 63440 Hilltop Puppy Ranch 43-A-3283	10/6/2011 12/18/2012 4/3/2013	No violations 2.126 - No rep. present 3.4 - Structures made of wood that are not impervious to moisture 3.11 - Bird droppings around dog enclosures	PHOTOS	No Report
Valerie Breckenridge 658 Dogwood Tree Rd Reeds Springs, MO 65737 Doll Faces Puppy Nursery 43-A-5519	11/28/2011 4/9/2013 3/19/2014	No violations 2.75 - Dogs with inadequate documentation 2.40 - Several dogs with matted hair and fecal accumulation	PHOTOS	No Report
Joyce Good Rt 2 Box 62 Memphis, MO 63555 Richard Good 43-A-4480	3/13/2012	2.40 - 2 dogs with symptoms of gum disease; 2 dogs with wound on side 3.6 - Openings in floor are large enough for legs to fall through	No Photos	No Report
Stacy Kidd 7793 Hwy ZZ Norwood, MO 65717 Dawson Creek Kennel 43-A-5508	4/21/2011 4/11/2012 5/10/2013 6/10/2013	No violations No violations 2.126 - No rep. present No violations	No Photos	No Report

Myra Burrow 2375 NW 400 Rd Osceola, MO 64776 Burrow Kountry Kennel 43-A-5503	7/21/2011	3.6 - Dog doors that are chewed and clawed 3.11 - Dog doors have build up of grime and dogs body oils	No Photos	No Report
Angela Kochs 1903 State Hwy A C Niangua, MO 65713 43-A-5611	10/3/2012	2.40 - Dog cannot put weight on all legs 3.4 - No wind or rain breaks 3.4 - Not enough space for dogs in housing 3.6 - Broken wire facing into housing	PHOTOS	No Report
	9/3/2013	2.40 - Dog was attempting to give birth during inspection without veterinarian assistance 2.40 - Facility representative failed to notice that dog was giving birth 2.50 - Dogs without IDs		
	9/10/2013	No violations		
	9/10/2014	2.50 - 30 dogs without IDs		
Terry Buening 7805 Quince Rd Neosho, MO 64850 Paw-Paw Kennel 43-A-3947	3/29/2012	No violations	No Photos	No Report
	3/11/2013	No violations		
Linda Crane 5449 Hwy 17 Eunice, MO 65468 Cranes Red Dog Kennel 43-A-3362	4/3/2012	No violations	No Photos	No Report
	7/11/2013	No violations		
Starmye Halpain 13201 Hwy 82C Hulbert, OK 74441 73-A-1408	4/11/2012	No violations	No Photos	No Report
	7/24/2013	2.40 - Dog with symptoms of gum disease; dog was missing hair from her back leg and hips, appeared to be causing pain to dog 3.6 - Puppies paws hanging through wire cages 3.11 - Accumulation of leaves and debris under cages		
	1/9/2014	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Sandra Rottinghaus 1122 128th Rd Seneca, KS 66583 48-B-0914 CANCELLED		Unable to find in USDA database	No Photos	No Report
Audrey Rottinghaus 1377 144th Rd Seneca, KS 66538 Wendy Pets 48-B-0313	4/30/2012 8/13/2012 12/4/2013	2.40 - Several untreated dogs with symptoms consistent with dental disease, and dogs unable to put weight on back legs 3.1 - Inadequate construction of housing facilities 3.1 - Open sack of dog feed 3.9 - Accumulation of grime and chewed surfaces in feeders No violations No violations	PHOTOS	No Report
Marie Doherty 2471 225th St Fulton, KS 66738 Doherty's Family Pets 48-B-0321	11/29/2011 12/6/2012 12/5/2013	No violations No violations No violations	PHOTOS	No Report
Loe Kennels 3812 N Rd Beloit, KS 67420 Kathy and Delmar Loe 48-B-0246	4/27/2011 1/25/2012 7/2/2013	No violations No violations No violations	No Photos	No Report
Lorilee Thomas 17454 K9 Hwy Whiting, KS 66552 Puppies Extrordinaire, LLC 48-B-0329	9/1/2011 4/25/2012 8/5/2013	No violations 3.1 - Metal enclosures with jagged edges 3.3 - Structures are not impervious to moisture 3.1 - Dogs are not adequately secured in housing 3.1 - Excessive rust on surfaces	PHOTOS	No Report
Shonda Madison 15781 FR 1085	12/11/2012	3.4 - Lack of bedding for low temperatures	PHOTOS	No Report

Cassville, MO 65625
 Madison Kennels
 43-B-3449

12/17/2013

3.4 - Surfaces on the housing that
 are not impervious to moisture
3.3 - Indoor facility smells of
 ammonia

Circle B Farms, LLC
 1350 CR 2445
 Huntsville, MO 65259
 43-B-3698

7/20/2011

2.40 - Dog cannot put weight on
 back leg; excessive matting in
 dogs hair
2.76 - Incomplete broker records
3.1 - Raw materials in building
 under construction that cannot be
 sanitized

No Photos

No Report

2/15/2012

No violations

3/5/2013

2.126 - No rep. present

8/13/2013

2.126 - **No rep. present**

3/7/2014

3.6 - Flooring with holes large
 enough that puppies legs are
 falling through

Coral Aquarium

75-05 Roosevelt Ave.
 Jackson Heights, NY
 11372

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
<u>Brokers</u>				
The Hunte Corporation	10/7/2011	No violations	No Photos	No Report
121 N Royhill Ave	10/7/2012	No violations		
Goodman, MO 64843	10/19/2012	No violations		
43-B-0123	1/6/2014	No violations		
	1/8/2014	No violations		

Puppy Club

149-05 Northern Blvd.
 Flushing, NY 11354

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Debra Pratt 2825 120th St New Sharon, IA 50207 42-A-1399	2/1/2012	<p>2.50 - Dogs without IDs</p> <p>3.1 - Housing has accumulation of construction material</p> <p>3.1 - Excessive rust on housing</p> <p>3.1 - Sharp points sticking into cages</p> <p>3.6 - Uneven flooring does not allow dogs to stand or walk in a normal manner</p>	<u>PHOTOS</u>	No Reports
	10/2/2012	<p>2.40 - Dogs has greenish pus in both eyes; dog has abnormal eye with brown growth on eye</p> <p>2.50 - Dogs without IDs</p> <p>3.1 - Animal waste is collecting in buckets at the end of the building; same building did not have a drainage system and was accumulating animal waste</p> <p>3.6 - Rusting flooring that can injure animals</p> <p>3.11 - Accumulation of waste and feces in building is not properly being cleaned</p> <p>3.11 - Buildings have large amount of flies in the building</p>		
	2/14/2013	<p>2.40 - Dog with left eye that was cloudy and buildup on teeth; dog with swollen eye with discharge; dog with two cloudy eyes with discharge; dog with swollen tissue protruding from bottom of the eye; dog with extreme hair loss on body, discharge coming from both ears</p> <p>2.50 - Dogs without IDs</p> <p>3.1 - Wires with sharp points inside enclosures</p> <p>3.1 - Plastic containers around the dogs had accumulation of waste; dogs being contaminated in animal enclosures</p> <p>3.2 - Noticeable ammonia smell</p>		

3/26/2013

3.6 - Petition is close to falling onto enclosures

3.6 - Dogs feet can fall through the flooring

3.11 - Outside walls of the building had buildup of dirt and oils

2.40 - Dog with film and substance on gums; dog with grime on gums and hair loss on the body; dog with substance on gums, and overgrown toenails; dog with grey substance on teeth and hair matting throughout body; dog with grey material on teeth and matter hair; several other dogs with substance on gums; dogs has marble sized mass on eye with discharge and long nails and swelling on pads of feet; dog with swollen eyes, soft tissue is swollen around eyes, bad odor coming from dogs ear; dog with no ID has hair falling out on bod, both eyes have clear discharge and the soft tissue around eyes are red and swollen, both eyes lids are turned inwards

Dog with discharge from both eyes and eyelids are wet from discharge and soft tissue is red and swollen, nails are excessively long; dog has long toenails and discharge from both eyes, eyelids are turned inwards; dog has circular lesion and brownish material on teeth and gums; dog with cloudy eye with clear discharge, dog is limping, and putrid smell coming from animals mouth, dog was in noticeable pain from being touched on head; dog had lesion between digits on paw and limping; dog with grayish material covering gums and matted hair

Dog with matted hair covering most of body and feces around the anus, dog has swollen gums and odor emanating from its body; dog with matted hair and dark brown material intertwined with hair on the ears; dog is in severe pain from opening mouth; dog with material on gums; dog with hair loss and red skin below the ear; dog with material on gums and putrid smell coming from mouth, and toenails are so long that paws are positioned abnormally; dog with hair loss on the middle of the back to base of tail and feces in matted hair; dog cannot open eye well and has cloudy eyes

Dog has enlarged right eye and lesion on eye and feces in hair around anus; dog with hair loss and irregular hair areas on left hip; dog is blinking and squinting eyes more frequent than normal; clear discharge from both eyes of a dog; dog with marble sized growth on eye; dog has lacerations on both ears and a marble sized mass under the jaw and blood around the mass; dog with discharge draining from eyes

2.40 - Dogs need to be treated by vet

2.50 - Dogs without IDs

2.126 - Dogs were not accessible for inspection, conditions were too unsafe for inspectors

3.1 - Accumulation of trash and discarded material outside facility

3.1 - Excessive rust that is affecting structure of housing

3.1 - Too many jagged, sharp edges in cages

3.1 - Animal waste is collecting in buckets at the end of the building; same building did not have a drainage system and was accumulating animal waste

3.2 - Ammonia smell from dog urine that was burning eyes of inspectors

3.2 - Insufficient light in housing

3.3 - Insufficient light in housing

3.4 - Outdoor enclosures did not have clear, dry bedding despite low temperatures

3.4 - Outdoor facilities did not have shelter structures provided

3.4 - Outdoor structures are not impervious to moisture, part of outdoor enclosure is covered in mud

3.6 - Housing is not structurally sound; fences are leaning and are held together by plastic cable wires

3.6 - Enclosures have holes in the floor due to rusting

3.6 - Housing is sagging from the weight of dogs

3.7 - Puppies are housed with dogs other than their dam

3.9 - Feeders have food residue and grime building inside of feeders; some feeders are contaminated with excreta

3.10 - Chewed up edges on water receptacles; outdoor water receptacles are covered with excreta; water receptacle has brown water

3.11 - Outdoor enclosures had accumulation of feces that made it impossible for dogs to avoid their own waste

3.11 - Buildings have buildup of dirt and oils

		3.11 - Accumulation of trash, junk, and discarded material near buildings; accumulation of horse manure on the ground	
		3.11 - Dog was seen carrying a dead rat in its mouth and chewing on it	
	6/4/2013	2.126 - No rep. present	
	7/6/2013	2.126 - No rep. present	
	7/16/2013	2.126 - No rep. present	
	9/18/2013	3.1 - Two enclosures have holes in the back wall; there is a rip in vinyl flooring	
		3.1 - Accumulation of spider webs	
		3.2 - Noticeable ammonia smell from facility	
		3.6 - Holes in flooring large enough for dogs' legs to fall through	
		3.11 - Tall weeds surrounding the facility	
		3.11 - Rodent droppings were observed inside of the facility	

Larry Albrecht	8/25/2011	No violations	No Photos	No Report
12059 Camp Comfort Rd	8/13/2013	2.40 - Written Program of Veterinarian Care (PVC) is inaccurate		
Greene, IA 50636		2.40 - Dog was hunched in corner with tongue hanging out, on inspection, dog had no teeth; dog has eye that is protruding outward and abnormally large, and the dog had little to no teeth; dog was limping and skittish when inspected and had brown material on teeth; dog had discharge from eye and brown material on cheek and teeth; dog was underweight and had buildup on teeth		
Coldwater Kennel		3.4 - Most of the outdoor shelters do not have floors		
42-A-1212		3.4 - Flooring is starting to crack and is not impervious to moisture		
		3.6 - Throughout facility, there are jagged and broken enclosure wiring		

3.6 - Some outdoor enclosures have no shade from the sun

3.6 - Portions of the floor are missing wire coating, leaving dogs' feet exposed to thin wire

12/19/2013 No violations

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Mid America Pet 11474 Hammer Rd Neosho, MO 65850 43-B-3634 (CANCELLED)	4/9/2012 8/20/2012 8/12/2013	No violations No violations 2.40 - There is no veterinarian plan and no records of visits 3.6 - Inadequate head space for dogs 3.6 - Inadequate space for dogs	No Photos	No Report
Sanjon Kennel Sandi & John Blake 2560 US Hwy 65 Louisburg, MO 65685 43-B-3515	9/22/2011 2/7/2013 3/13/2014	No violations No violations No violations	No Photos	No Report
Allison Hedgpeth 143 Hwy EE Iberia, MO 65486 Lonewolf Kennels 43-B-3435	12/3/2012 5/13/2013 8/22/2013 12/11/2013 3/17/2014	3.4 - Dogs without wind or rain breaks No violations No violations 2.126 - No rep. present No violations	<u>PHOTOS</u>	No Report
The Hunte Corporation 121 N Royhill Ave Goodman, MO 64843 43-B-0123	10/7/2011 10/7/2012 10/19/2012 1/6/2014 1/8/2014	No violations No violations No violations No violations No violations	No Photos	No Report

Puppy Land, Inc.
86-25 Lefferts Blvd.
Jamaica, NY 11418

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Shelly Cox	3/14/2012	No violations	No Photos	No Report

179 Richardson Rd	1/17/2013	No violations
Maynard, AR 72444	1/22/2014	No violations
Big Creek Kennel		
71-A-0960		

Bill/William Clarke	11/14/2011	2.40 - Untreated overgrown toenail	PHOTOS	No Report
172 Willow Rd		3.1 - Open gaps in housing		
Yates Center, KS 66733		3.1 - Excessive rust on housing		
Clarkes Hillside Kennel		3.1 - Exposed screws facing towards the dogs, jagged fiberglass sharp points in housing		
48-A-1275		3.1 - Plastic dog igloos are chewed and jagged, wooden housing is rotting		
		3.4 - No wind or rain breaks		
		3.6 - Broken, protruding wires in housing, sharp jagged dividers between housing		
		3.8 - No copy of exercise program for dogs		
		3.9 - Food receptacles have jagged edges, dirt and grease caked on interior of food receptacle, old caked food on food receptacles		
		3.10 - Water receptacles have jagged edges		
		3.11 - Cobwebs, dust, and dog hairs are collecting on interior walls		
	8/22/2012	2.40 - Dogs are infested with ticks; dog has hair loss throughout body; symptoms of dental disease; fluid buildup between toes of dogs		
		3.4 - Wood structures are not impervious to moisture		
		3.10 - Water has green looking film substance covering entire interior surface area		
		3.11 - Cobwebs covering housing area		
	12/4/2012	2.126 - No rep. present		
	2/5/2013	from pads; untreated open wounds; dog limping without ability to put weight on front paw;		

symptoms of gum disease on dog;
another dog was limping and had
a puffy paw

3.1 - Dirt, grease, and other
excreta on doors

3.10 - Water receptacle has rough,
jagged edge

3/13/2013

No violations

7/2/2013

2.126 - No rep. present

9/18/2013

No violations

Judy Walles	4/21/2011	No violations	No Photos	No Reports
1355 Campclark Hill	4/10/2012	No violations		
Galena, MO 65656	5/16/2013	No violations		
Ox Arks Kennels				
43-A-3787				

Deborah/Larry Warren	5/22/2012	No violations	PHOTOS	No Reports
6118 Lawrence 2220	3/6/2013	No violations		
Pierce City, MO 65723	12/17/2013	No violations		
Misty Dew Kennels				
43-A-3278				

James Bixenman	3/5/2012	No violations	No Photos	No Report
33793 Colony Ave	3/14/2013	2.40 - Breeder is possessing expired medication and		
New Cambria, MO 63558				
Circle B Farms				
43-A-4396				

Lynn Fortner	12/3/2012	No violations	No Photos	No Report
13429 Farm Rd 1040	10/31/2013	No violations		
Exeter, MO 65647				
Terry Fortner				
43-A-4476				

Julie Scholl	9/8/2012	No violations	No Photos	No Report
20672 Poker Bend Rd	4/25/2012	No violations		
Cameron, OK 74932	2/28/2013	No violations		
73-A-2555				

Evelyn Roberson	2/22/2012	No violations	No Photos	No Report
350 E Tumbler Creek	1/31/2013	No violations		
Atoka, OK 74525	1/28/2014	No violations		
Roberson Kennel				
73-A-2578				

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Charlene Koster 532 K 106 Minneapolis, KS 67467 43-B-0271	6/28/2011	fecal matter around anus; dog with sagging lower jaw; dogs with wounds at base of ears covered with flies; dog with wound on left side of body; dog with hair loss on chest; dog has fleshy mass covering his eye	No Photos	No Report
		3.4 - Inadequate shelter structures		
		3.6 - Sharp points sticking into wire cages		
		3.11 - Hair, food, and debris accumulating in corner		
		3.11 - Yellow and cloudy water in water receptacles		
		3.11 - Excessive flies near piles of excreta behind outdoor enclosures		
	5/9/2013	2.126 - No rep. present		
	6/20/2013	2.40 - Growth on top of dogs head		
		3.1 - Unsafe structures		
		3.6 - Jagged edges to walls		
	2.40 - Dog with matted hair on legs, back and rear end			
2/13/2014	3.10 Structures are sagging and contain openings with jagged edges			
	3.1 - Mixture of dirt, grease, and excreta on the walls and floors			
	3.4 Dogs with insufficient bedding despite temperatures as low as 28 degrees F			
	3.6 - Gaps and holes in floor and fences			
	3.9 - Feces visibly mixed into food			
	3.11 - Several enclosures with excessive accumulation of feces			
	2/25/2014	2.126 - No rep. present		
	3/6/2014	No violations		
Marie Doherty 2471 225th St Fulton, KS 66738 Doherty's Family Pets	11/29/2011	No violations	PHOTOS	No Report
	12/6/2012	No violations		
	12/5/2013	No violations		

48-B-0321

Shonda Madison 15781 FR 1085 Cassville, MO 65625 Madison Kennels 43-B-3449	12/11/2012	3.4 - Lack of bedding for low temperatures	PHOTOS	No Report
	12/17/2013	3.4 - Surfaces on the housing that are not impervious to moisture 3.3 - Indoor facility smells of ammonia		
Luv N Kare Kennel Rt 3 Box 221A Duncan, OK 73533 73-B-0210	8/4/2011	No violations	No Photos	No Report
	5/30/2012	No violations		
	2/27/2013	No violations		

Master Pups Inc.
140-06 Cherry Ave
Flushing, NY 11355

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Judy Green 14 Cody Lane Camdenton, MO 65020 Draper Hill Kennel 43-A-5060	12/13/2011	No violations	No Photos	No Record
	4/9/2012	2.75 - Dogs missing documentation		
		3.1 - There is a gap on part of the outdoor facility that traps dirt, feces, food, waste, and other debris		
		3.6 - Sharp wires facing inwards on shelters 3.8 - No written exercise program		
	4/16/2012	No violations		
	4/4/2013	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Canterbury Tails Pets, LLC 875 Dakota Rd McPherson, KS 67640 48-B-0319	11/28/2011	No violations	PHOTOS	No Report
	5/22/2012	2.40 - Dog with hair loss; dog with copious dark discharge from eye		
	7/11/2013	3.1 - Metal in housing areas are rusting		

Citibulldogs

102-22 65th Rd.
Forest Hills, NY 11375

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Leroy/Cathy Sanders	4/11/2012	No violations	No Photos	No Report
33432 820 Rd	6/14/2013	No violations		
Carney, OK 74832				
War Pony Ranch English Bulldogs				
73-A-2546				

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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Reliable Grooming, Inc.

163-11 Crossbay Blvd.
Howard Beach, NY 11414

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Shelly Cox	3/14/2012	No violations	No Photos	No Report
179 Richardson Rd	1/17/2013	No violations		
Maynard, AR 72444	1/22/2014	No violations		
Big Creek Kennel				
71-A-0960				
John and Linda Fromm	7/20/2011	No violation	No Photos	No Report
4083 Victory Rd	7/12/2012	No violation		
Chetopa, KS 67336	5/19/2013	No violation		
J & L Kennels	2/19/2014	No violation		
48-A-1294				
Jim Stewart	7/29/2011	No violations	No Photos	No Report
11632 Center Star Rd	7/9/2012	No violations		
Pittsburgh, KS 66762	3/27/2013	No violations		
48-A-2109	2/19/2014	No violations		

	<p>3.1 - Bags of open food, ground meat draining into refrigerator, food with no expiration date, medication is being stored on top of cages</p> <p>3.1 - There is a waste dump of feces and other waste 1/2 foot deep</p> <p>3.11 - Waste, grime, blood, and hair are building up and have not been cleaned for extended periods of time</p>
3/14/2014	<p>2.40 - Medicine with no expiration date; no label on medication, and no indication it is prescribed for dogs</p> <p>2.40 - Dog with swollen, reddish area around eyes with drainage and deep cut on left leg that was bleeding; left eye was swollen to a point that the entire eye had turned a greyish color with discharge</p> <p>3.1 - Medicine with no expiration date; no label on medication, and no indication it is prescribed for dogs</p> <p>3.1 - Waste with feces is draining into a field that has 1/2 feet of waste</p> <p>3.6 - Legs of dogs are falling through floor</p> <p>3.11 - Buildup of dirt, grime and hair in medication storage room</p> <p>3.11 - Rodent droppings throughout the building</p>
7/8/2013	No violations
3/20/2014	No violations

Bob's Tropical Pet Center

57-45 Myrtle Ave.
Ridgewood, NY 11385

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Connie Decker Rt 1 Box 3450 Dora, MO 43-A-3536	5/31/2011	3.1 - Green accumulation of waste is attracting flies close to dogs 3.4 - Shelter does not provide adequate space	No Photos	No Report
	6/13/2012	No violations		
	2/26/2013	2.50 - Dogs without ID		
	1/30/2014	No violations		
Maureen Butler 3101 US 160 West Plains, MO 65775 43-A-5702	10/3/2011	2.126 - No rep. present	PHOTOS	No Report
	11/1/2011	3.6 - More space is required for dogs 3.6 - More space is required for dogs		
	10/9/2012	2.40 - Dog with discharge in eye; dog with cloudy eye; dog with yellow discharge; dog with cloudy eye; dog has discharge and cloudiness in eyes; dog has brown material on teeth and several missing teeth 3.11 - Rodent feces near food; several dogs have flees		
	8/26/2013	3.4 - Structures are not impervious to moisture; some structure has algae on it		
	3/21/2014	2.40 - Dog is limping on back leg; two dogs have golf ball size masses on the body/abdomen		
Evelyn Roberson 350 E Tumbler Creek Atoka, OK 74525 Roberson Kennel 73-A-2578	2/22/2012	No violations	No Photos	No Report
	1/31/2013	No violations		
	1/28/2014	No violations		
Dwayne Hurliman RR3 Box 6A Cordell, OK 73632 73-A-2621	10/31/2011	2.126 - No rep. present	No Photos	No Report
	11/29/2011	No violations		
	12/7/2012	No violations		

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
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David Remy 890 W 6th Booneville, AR 72927 71-B-0201	2/28/2012	2.40 - Dog with scabby area between eyes; multiple dogs with hair loss 2.50 - Dogs without ID 2.76 - No documentation of dogs sales	No Photos	No Reports
	4/9/2013	3.1 - Waste material accumulating on housing 3.1 - Water PVC piping has thick, sticky brown grim covering the surface		

Rokenn Enterprises, Inc 137 N 110th Rd Delphos, KS 67436 48-B-0018	2/9/2012	2.126 - No rep. present		
	3/6/2012	No violations		
	4/15/2013	No violations		

Maureen Butler 3101 US 160 West Plains, MO 65775 43-A-5702	10/3/2011	2.126 - No rep. present	PHOTOS	No Report
	11/1/2011	3.6 - More space is required for dogs 3.6 - More space is required for dogs		
	10/9/2012	2.40 - Dog with discharge in eye; dog with cloudy eye; dog with yellow discharge; dog with cloudy eye; dog has discharge and cloudiness in eyes; dog has brown material on teeth and several missing teeth 3.11 - Rodent feces near food; several dogs have flees		
	8/26/2013	3.4 - Structures are not impervious to moisture; some structure has algae on it		
	3/21/2014	2.40 - Dog is limping on back leg; two dogs have golf ball size masses on the body/abdomen		

Sanjon Kennel Sandi & John Blake 2560 US Hwy 65 Louisburg, MO 65685 43-B-3515	9/22/2011	No violations	No Photos	No Report
	2/7/2013	No violations		
	3/13/2014	No violations		

King James Kennel 2483 State Road 78	7/10/2012	No violations	No Photos	No Report
	7/23/2012	No violations		

Willow Springs, MO 85793	2/12/2013	No violations		
Jeff Conger	3/5/2014	No violations		
43-B-3719				

Crittersville Kennel, Inc 3/1/2013 **2.78** - Shipped dogs without interstate health certificates No Photos No Report
37932 Drive 715
Po Box 515
McCook, NE 690014
47-B-0056

Pets Unlimited, Ltd.
45-10 46 Street
Sunnyside NY 11104

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Sandra Ballentine 860 Ocean Blvd Mountain View, AR 72560	5/12/2012	3.1 - Building has holes in the side walls and floor; food bags have holes chewed in the sides	No Photos	No Review
71-A-1199	3/11/2013	No violations		

Neubert Kennel 7/9/2012 **2.40** - There are different veterinary care programs with conflicting information No Photos No Report
15054 Hwy 28 N
Vienna, MO 65582
The Neubert Kennel and Farms
43-A-5777
2.40 - Dog with eye that is enlarged and reddened, breeder stopped providing medical care after the dog's antibiotics ran out; dog with multiple hairless, flaky lesions on its head; dog with lesion on ear; multiple medications that were missing label information and/or being used and/or being stored in a manner different than instructed
2.75 - Incomplete documents for dogs on hand
3.1 - Housing unit has structural problems
3.1 - Open bag of bedding material
3.1 - Large amount of waste material accumulating next to enclosure

3.3 - Strong odor and high humidity in sheltered building

3.3 - Inadequate space for dogs in cages

3.4 - No wind or rain breaks in outdoor facilities

3.4 - Outdoor areas do not have shade

3.4 - Outdoor enclosures made of metal with no insulation; there is an outdoor enclosure in which the dogs have dug a deep hole in the ground

3.6 - Sharp points in edges in enclosures

3.6 - Inadequate space for dogs

3.8 - Incomplete exercise plan for dogs

3.9 - Breeder is slaughtering cows to feed the dogs on the premise

3.9 - Old food is sitting in standing water and still being served to dogs

3.11 - Outdoor enclosure which has collection of feces, dirt, and debris near the dog door

7/26/2012

2.40 - Breeder sold dog that had been identified in a previous inspection as being unhealthy without providing any veterinarian care

2.40 - Breeder had directions in written program of veterinarian care directing to euthanize dogs in "most humane way possible," without any more specific directions

3.6 - Very sharp edge exposed to dogs

3.9 - Feeder is contaminated with dust and gravel; breeder is still providing slaughtered cattle to dogs

8/6/2012

No violations

1/14/2013 **2.40** - Dog is putting minimal weight on its leg, leg is extremely swollen (result of bite from another dog, which the dog was still sharing a cage with); dog could not put weight on front leg due to red paw with lesions between toes; dog with loose stools

2.40 - Dog with swollen leg from dog bite; dog with raised lesion on foot

2.50 - Dogs missing ID numbers

3.4 - Outdoor housing with inadequate bedding

3.7 - Breeder was keeping dog together after fights between the dogs

1/15/2013 No violations

1/24/2013 **3.4** - Outdoor enclosures that did not have shade for dogs

Ruth Hamm 37358 Hwy 3 Callao, MO 63534 43-A-0925	6/15/2011	2.126 - No rep. present	No Photos	No Report
	9/15/2011	No violations		
	11/26/2012	2.126 - No rep. present		
	1/24/2013	3.1 - Feces build up in multiple cages		

Arminta Hickman 4377 S 222 Rd Halfway, MO 65663 Hilltop Kennels 43-A-1612	9/13/2011	3.6 - Inadequate head room for puppies	No Photos	No Report
	8/3/2012	No violations		
	5/28/2013	No violations		
	1/2/2014	No violations		

Donald Schrage Rt 3 Box 234 Edina, MO 63537 Rabbit Ridge Kennel 43-A-1957	8/2/2011	2.40 - Dogs are being stored at temperatures of 100 degrees and a heat index of 120	No Photos	No Report
	8/2/2011	2.40 - Dog limping and not putting weight on paw, which is extremely swollen; dog is acting "irrationally" and underweight; several dogs with eye problems; improperly stored medication		
		2.50 - Dogs without ID		
		2.131 - Breeder was picking dogs up by one leg		

3.1 - Gaps in the flooring and broken glass on the ground

3.1 - Build up of dirt and grime around housing

3.6 - Dogs legs are passing through flooring

3.7 - Puppies were being housed with adult dogs that were not the puppies' dam, adult dog was growling at the puppies

3.8 - No valid exercise plan

3.9 - Unknown, yellow liquid substance in the feeding trough area and dirt, gravel, caked food, and feces in feeding trough

3.10 - Greenish-black stringy slime on the bottom of water receptacle

8/4/2011 **3.6** - Insufficient shade for dogs in outdoor enclosures

8/15/2011 **2.40** - Dog with green discharge from eye; dog with reddened scab; dog with discharge from vulva after giving birth; dog with three skin lesions

3.7 - Dog has several bite wounds from being housed with a dog that is constantly attacking it

11/29/2011 **2.40** - Dog with essentially no fleshy covering ribs, hip, or back; dog itching with hair loss; dog has multiple bloody, mucoid stools in her enclosures; dog with hair loss on ears, dental problems and bubbles of clear, frothy liquid coming from her nose; dog with brown material on cheek; dog limping on leg and holding it in the air

3.1 - Excessive rust accumulation on housing

3.1 - Housing contains broken ceramic feed bowls

3.4 - Insufficient wind/rain breaks

3.6 - Dogs with insufficient floor space

5/23/2012

2.40 - Dog is very thin with obvious muscle loss; dog has ribs, hips, and back bone that are very prominent and wounds around the neck; dog with open wound around the muzzle; dog with swollen muzzle area

3.1 - There is an uncapped needle and syringe in a dog's housing area

3.1 - Sharp points in wire housing

3.1 - Accumulation of cobwebs, dirt, gravel, and bedding in shelters

3.1 - Open bag of trash in whelping facility

3.4 - Chewed, exposed wood

3.6 - Dogs' legs are falling through flooring

3.9 - Dirt and caked food on dog feeders

9/17/2012

2.40 - Dogs with matting issues in hair

2.75 - Dogs without proper documentation

3.1 - Holes in wire flooring large enough for dogs' legs

3.1 - Accumulation of dirt, gravel, and other organic material

3.4 - No wind/rain break

3.6 - Dogs are getting wet in housing

3.11 - Accumulation of dirt and grime on PVC pipes and metal nipples for water

12/11/2012

2.40 - Dog with unkempt hair and severely underweight; dog with fecal matter on fur; dog with yellow material covering gums; dog with dried, black matter around eye; piles of yellow, loose stools in enclosures; breeder is giving wrong medications to puppies

		<p>2.40 - Breeder is performing surgery in enclosures without sanitizing the area and without veterinarian assistance</p> <p>2.40 - There is a pattern of not observing the health of animals</p> <p>3.1 - Uncapped needle and syringe on top of housing structure</p> <p>3.4 - Dog is crouched and shivering from being left outside in temperatures below 40 degrees</p> <p>3.4 - Breeder is leaving short haired dogs outside despite temperatures in the teens</p> <p>3.4 - Insufficient bedding in housing facilities</p> <p>3.9 - Feeders were dirty and had accumulation of caked food</p>	
	1/2/2013	<p>2.40 - Dog with matting of air throughout body and wound on neck; dog in whelping facility is wet and soiled and covered in feces</p>	
	4/8/2013	<p>3.6 - Dogs with dirty and discolored hair coats</p>	
	6/18/2013	<p>2.126 - No rep. present</p> <p>2.40 - Dog was not putting weight on paw; medication past expiration date</p> <p>2.50 - Dogs without ID</p>	
	10/22/2013	<p>3.1 - Dirt, grime and hair along enclosures</p> <p>3.11 - Flies are gathering around lesion on dog's wound</p> <p>2.40 - Dog repeatedly blinking and squinting eye; dog with bright red, open, oozing wound on ear</p>	
	2/10/2014	<p>3.1 - Dirt, hair, and grime along enclosures</p> <p>2.126 - No rep. present</p>	

Gary Felts
38383 C 60
Kingsley, IA 51028
Black Diamond Kennel
42-A-0757

7/2/2012

3.1 - Water dishes chewed excessively

3.1 - Enclosures are accumulating dirt and grime

3.11 - Excessive amount of flies

[PHOTOS](#)

No Report

10/28/2013	2.126 - No rep. present
11/19/2013	2.40 - Thick grey material on cheeks of dog
	2.50 - Dogs without IDs
	2.75 - Dogs without proper documentation
	3.1 - Buildup of clutter in housing
	3.1 - Severely rusted enclosures
	3.1 - Chewed and worn wood through facility
	3.4 - No wind/rain breaks
	3.6 - Sharp wire posts throughout facility
	3.6 - Holes in floor large enough for feet to pass through
	3.11 - Building up dirt, dust, grime, and cobwebs throughout facility
1/29/2014	2.126 - No rep. present
3/26/2014	2.75 - APHIS forms not filled out correctly
	3.1 - Severely rusted flooring
	3.1 - Plastic paneling is chewed
	3.1 - Dirt, dust, debris, and grime throughout facility
	3.6 - Sharp wire points throughout facility
	3.6 - Holes in floor large enough for legs to pass through

Charlie Potts Rt 1 Box 571 Haworth, OK 74740	Unable to find in USDA Database
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Norma Jean Harders 675 Yutan Rd Boelus, NE 68820 47-A-0593	4/25/2012	3.1 - Chewed edges	No Photos	No Report
		3.1 - Buildup of brown grime in kennel		
		3.1 - Pens are being used as storage areas		
		3.6 - Sharp edges exposed to dogs		
	5/22/2013	2.40 - Medications past expiration date		
		2.75 - Dogs missing documentation		
		3.1 - Excessive rust on housing		
		3.1 - Fiberglass board being used by dogs has tear in it		

		3.1 - Mixture of dirt, grease, and other excreta on floor boards
8/13/2013		2.126 - No rep. present
9/11/2013		2.75 - Dogs missing documentation
1/22/2014		2.40 - Dog with dark material in hair; dog with white, hairless patch under eye and symptoms of dental disease
		3.1 - Buildup of grime on trailers near dogs
		3.6 - Sharp points on trailers
		3.11 - Excessive amount of fecal material in some areas
1/24/2014		No violations

Butch Olseth 2794 Hwy 94 Walt Hill, NE 68067 47-A-0590	8/19/2011	No violations	No Photos	No Report
	4/27/2012	2.40 - No attending veterinarian		
		2.75 - Dogs missing documentation		
	2/27/2013	2.126 - No rep. present		
	2/28/2013	No violations		
	12/9/2013	2.126 - No rep present		

Paul Urbanec 1912 Hwy 94 Pender, NE 68047 47-A-0540	1/15/2013	2.126 - No rep. present	No Photos	No Report
	1/16/2013	3.1 - Insulation is falling off the walls and ceiling of buildings with dog pens		
		3.1 - Jagged wire in cages		
		3.1 - Areas are not being cleaned daily		
		3.9 - Excessive buildup of caked on food on feeders		
	7/30/2013	2.126 - No rep. present		
	11/6/2013	2.126 - No rep. present		
	12/9/2013	2.126 - No rep. present		

Teacup Pup
70-17 Austin St.
Lower Level
Forest Hills, NY 11375

	<u>Dates of USDA</u>		<u>USDA</u>	<u>CAPS</u>
<u>Breeders</u>	<u>Investigations</u>	<u>USDA Violations</u>	<u>Photos</u>	<u>Investigations</u>

Jerry Kirby 2245 CR 246 Knobel, AR 72435	2/28/2012	3.1 - Accumulation of cobwebs, dust, feed, hair, and feces	No Photos	Investigated
J & J Kennel 71-A-0786	9/20/2012	3.11 - Excessive accumulation of fecal waste and excessive flies		
	7/9/2013	2.126 - No rep. present		
Linda Brasher 10821 Lake Cut Off Rd Havana, AR 72842	5/10/2011	3.6 - Sharp wire points facing into cages		
Elite Puppies	5/11/2011	No violations		
71-A-0762	5/8/2012	No violations		
	3/6/2013	3.11 - Excessive excreta		
Jesus Morfin 657 Hwy 221N Berryville, AR 72616	6/7/2011	No violations	No Photos	No Report
71-A-1152	6/4/2012	No violations		
	5/1/2013	No violations		
Larry Albrecht 12059 Camp Comfort Rd Greene, IA 50636	8/25/2011	No violations	No Photos	No Report
Coldwater Kennel	8/13/2013	2.40 - Written Program of Veterinarian Care (PVC) is inaccurate		
42-A-1212		2.40 - Dog was hunched in corner with tongue hanging out, on inspection, dog had no teeth; dog has eye that is protruding outward and abnormally large, and the dog had little to no teeth; dog was limping and skittish when inspected and had brown material on teeth; dog had discharge from eye and brown material on cheek and teeth; dog was underweight and had buildup on teeth		
		3.4 - Most of the outdoor shelters do not have floors		
		3.4 - Flooring is starting to crack and is not impervious to moisture		
		3.6 - Throughout facility, there are jagged and broken enclosure wiring		
		3.6 - Some outdoor enclosures have no shade from the sun		
		3.6 - Portions of the floor are missing wire coating, leaving dogs' feet exposed to thin wire		
	12/19/2013	No violations		

LaNae Jackson 424 6th Rd Clifton, KS 66937 Jackson Kennels 48-A-1849	3/8/2012	2.40 - Open wound in side of dogs neck 3.9 - Bird droppings in dog food receptacles	No Photos	No Report
	3/12/2012	No violations		
	4/25/2013	2.126 - No rep. present		
	6/3/2013	2.40 - Untreated wound to ear of dog 3.1 - Housing is insecure and unstable 3.1 - Metal gates are rusting 3.1 - Wires are broken off and protruding into dog cages 3.1 - Surfaces to housing cannot be cleaned or sanitized 3.9 - Food receptacles have rusted, jagged edges 3.10 - Water bowls have jagged edges		
	12/17/2013	2.126 - No rep. present		
Phil Hoover RR2 Box 142A Memphis, MO 63555 Show Me Puppies 43-A-5673	4/19/2011	No violations	No Photos	No Report
	4/23/2012	No violations		
	4/10/2013	No violations		
Linda Crane 5449 Hwy 17 Eunice, MO 65468 Cranes Red Dog Kennel 43-A-3362	4/3/2012	No violations	No Photos	No Report
	7/11/2013	No violations		
Justin Keith 268 Keith Lane Anderson, MO 64831 43-A-0944	5/1/2012	2.40 - Dog is missing hair on most of its head, face, neck, back and several lesions on ears, head and neck 2.40 - Dogs with excessive matting on necks and bodies; dogs with excessive tartar on teeth	No Photos	No Report
	3/12/2013	2.40 - Mother of litter is extremely skinny, and puppies age in size, with one dog being 1/3 the size of others; dogs that were returned for health reasons had not been treated		

3/27/2013 **3.2** - Indoor facility smells strongly of ammonia
3.9 - Dog feeder has caked food at least 1 inch thick
2.40 - Dog with fluid drainage from eye
3.4 - Outdoor areas do not have shade
3.9 - Caked food on the feeder at least 1 inch thick

7/18/2013 **2.40** - Dogs with excessively long toenails
2.75 - Breeder does not have a full list of dogs on hand
3.1 - Openings in housing dividers large enough for dogs to get their heads stuck in
3.1 - Thick, brown grime on dog doors
3.9 - Black bugs crawling around dog feeders and large brown maggots in food
3.10 - Dogs without access to water, dogs were crying for water when approached by inspector
3.11 - Excessive accumulation of flies

8/21/2013 **2.126** - No rep. present

9/9/2013 **3.1** - Excessive rusting on housing

12/18/2013 **3.6** - Not enough space for dogs
3.8 - Enclosures with not enough exercise space for dogs
3.11 - Evidence of rodents

Karen Crume 784 Old Miler Rd Galena, MO 65656 Sugar Tree Kennel 43-A-0760	4/10/2012	No violations	No Photos	No Report
	5/22/2013	3.6 - Strong odor of urine and bedding was chewed to pieces		

Melissa Klocke 27915 State Hwy N Ewing, MO 63440 43-A-5313	10/6/2011	No violations	PHOTOS	No Report
	12/18/2012	No violations		
	2/18/2014	No violations		

Marlee Bryant 2123 Kentucky Rd	6/3/2012	2.126 - No rep. present	No Photos	No Report
	7/17/2013	2.40 - Dog with hair loss and		

Seneca, MO 64865		head; dog with hair loss on body	
Puppy Junction	8/13/2013	2.126 - No rep. present	
43-A-3807	11/20/2013	2.126 - No rep. present	
	1/14/2014	2.40 - Dog with hair loss and scratching	

Judy Gray 107 South St Rothville, MO 64676 43-A-4052	6/21/2012	3.11 - Buildup of dirt, feces, and grime in housing 3.11 - Excessive flies around housing 3.6 - Dogs feet are passing through flooring 2.40 - Dog with symptoms of gum disease; matted fur on dog; dog with discoloration of eye; dog with hairless, raised, reddish lesion on paw 2.40 - Dog with symptoms of gum disease; dog with lesion on scrotum 2.50 - Dog with no ID 3.1 - Accumulation of fecal mater, dirt and grime throughout facility 3.1 - Waste drain containing fecal matter became detached, allowing it to flow onto the ground 3.6 - Dogs feet are passing through flooring 3.11 - More than 1 days of fecal accumulation in housing areas	PHOTOS	Investigated
	2/20/2013	2.126 - No rep. present		
	3/13/2013	2.40 - Dog with symptom of gum disease; dog with lesion on scrotum; dog with reddened area of skin on side; dog exhibiting extremely abnormal behavior; licensee is using Prolate Dip for Cattle on dogs, despite not being approved for dogs 2.50 - Dogs without IDs 3.1 - Inadequate construction for housing		

3.1 - Unapproved items used on animals, such as shredded newspaper; items placed on top of cages which can be harmful to dogs; areas that are likely to attract rodents around housing

3.1 - Cut sections of wire fencing with sharp points

3.1 - Walls of enclosure that are no longer in good repair

3.1 - Open containers of bedding material that can become contaminated

3.1 - There is a bucket of urine in a facility, excessive accumulation of fecal matter

3.2 - Inadequate lighting

3.3 - Very strong ammonia and fecal smell in a building, inspector was unable to breathe

3.6 - Insufficient space for dogs

3.11 - Fecal matter smashed and smeared in housing facility; area under a shelter facility had accumulation of hair, fecal matter, grime, and dirt

3.11 - Accumulation of miscellaneous items and tall grass around sheltered facility

6/26/2013

2.40 - Dog with matted hair containing fecal accumulation with buildup of crusty material around eye and symptoms of gum disease; medications that were past expiration (as much as 5 years old)

3.3 - Cement dividers between buildings that can absorb moisture

10/23/2013

2.40 - Dog limping with lesion on foot; dog with several areas of reddened skin and lesions on the scrotum, dog is missing a foot (this dog has been identified for scrotal lesions before); dog was laying in wet housing and had red areas on stomach

3.1 - Excessive rust on building

	3/12/2014	3.1 - Interior doorways with brownish dirt and grime on them 2.126 - No rep. present		
Kathy Brown 19818 Kenton Trail Novinger, MO 63599 43-A-4939	5/25/2011	2.50 - Dogs without IDs 3.1 - Sharp metal edges and nails facing into housing 3.1 - Surfaces are cracking and no longer in good repair 3.1 - 12 enclosures had standing water and mud 3.3 - Strong ammonia smell in buildings 3.3 - Dogs were unable to sit or lie in normal manner due to lack of space 3.4 - Dogs were crowded into housing despite open shelters 3.9 - Food feeders with caked food, and hair mixed into feeder with water 3.9 - Outdoor feeders did not have lids of covers and were open to weather and elements 3.11 - Buildup of dirt and grime on dog doors and in enclosures	PHOTOS	No Report
	8/23/2011	2.126 - No rep. present		
	8/31/2011	3.1 - PVC pipe above doors that have been chewed 3.6 - Structures are sagging and bouncing 3.6 - Cage is too short for dog		
	12/19/2011	2.126 - No rep. present		
	3/15/2012	2.40 - Dogs with matted hair; dog with a walnut sized lump in neck		
	5/21/2013	No violations		
Dwayne Hurliman RR3 Box 6A Cordell, OK 73632 73-A-2621	10/31/2011	2.126 - No rep. present	No Photos	No Report
	11/29/2011	No violations		
	12/7/2012	No violations		
Deb Cannon 9601 South 485 Rd Miami, OK 74354 Impossible Dream Kennel 73-A-1772	2/2/2012	3.1 - Doggy doors are chewed and cannot be sanitized 3.6 - Sharp points sticking into the housing areas 3.6 - Rubber on wire flooring has	No Photos	No Report

worn off

Catherine Rexwinkle 429757 E 10th Rd Welch, OK 74369 Rexwinkle Ranch 73-A-1964	1/26/2012 3/15/2012 4/23/2013	2.126 - No rep. present 3.4 - Dogs have no access to shade No violations	No Photos	No Report
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<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Charlene Koster 532 K 106 Minneapolis, KS 67467 43-B-0271	6/28/2011 5/9/2013 6/20/2013 2/13/2014	2.40 - Dog with matter hair and fecal matter around anus; dog with sagging lower jaw; dogs with wounds at base of ears covered with flies; dog with wound on left side of body; dog with hair loss on chest; dog has fleshy mass covering his eye 3.4 - Inadequate shelter structures 3.6 - Sharp points sticking into wire cages 3.11 - Hair, food, and debris accumulating in corner 3.11 - Yellow and cloudy water in water receptacles 3.11 - Excessive flies near piles of excreta behind outdoor enclosures 2.126 - No rep. present 2.40 - Growth on top of dogs head 3.1 - Unsafe structures 3.6 - Jagged edges to walls 2.40 - Dog with matted hair on legs, back and rear end 3.10 Structures are sagging and contain openings with jagged edges 3.1 - Mixture of dirt, grease, and excreta on the walls and floors 3.4 Dogs with insufficient bedding despite temperatures as low as 28 degrees F 3.6 - Gaps and holes in floor and fences 3.9 - Feces visibly mixed into food	No Photos	No Report

		3.11 - Several enclosures with excessive accumulation of feces		
	2/25/2014	2.126 - No rep. present		
	3/6/2014	No violations		

Sandra Rottinghaus
 1122 128th Rd
 Seneca, KS 66583
 48-B-0914
 CANCELLED

Unable to find in USDA database No Photos No Report

Canterbury Tails Pets	11/28/2011	No violations	PHOTOS	No Report
875 Dakota Rd	5/22/2012	2.40 - Dog with hair loss; dog with copious dark discharge from eye		
McPherson, KS 67640				
48-B-0319	7/11/2013	3.1 - Metal in housing areas are rusting		

Marie Doherty
 2471 225th St
 Fulton, KS 66738
 Doherty's Family Pets
 48-B-0321

11/29/2011 No violations [PHOTOS](#) No Report
 12/6/2012 No violations
 12/5/2013 No violations

Shonda Madison	12/11/2012	3.4 - Lack of bedding for low temperatures	PHOTOS	No Report
15781 FR 1085				
Cassville, MO 65625		3.4 - Surfaces on the housing that are not impervious to moisture		
Madison Kennels	12/17/2013	3.3 - Indoor facility smells of ammonia		
43-B-3449				

Karen Buffalohead
 776 First St
 Eucha, OK 74342
 73-B-1843

2/28/2012 No Violations No Photos No Report
 11/15/2012 No Violations
 11/13/2013 No Violations

Northern Aquarium
 135-02 Northern Blvd.
 Flushing, NY 11354

<u>Breeders</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Jesus Morfin	6/7/2011	No violations	No Photos	No Report
657 Hwy 221N	6/4/2012	No violations		

Berryville, AR 72616 71-A-1152	5/1/2013	No violations		
Craig Taylor 2683 Taylor Ln Harrison, AR 72601 Taylor Mountain Kennels 71-A-1006	6/29/2011 6/26/2012 7/16/2012 5/22/2013	No violation 2.126 - No rep. present No violation No violation	No Photos	No Report
Marilyn Alexander 245 Mt Zion Rd Russellville, AR 10802 B & M's Kennel 71-A-0871	2/1/2012 2/29/2012 4/11/2013 2/27/2014	2.126 - No rep. present No violations No violations 2.40 - Dog has hair loss on back and hind quarters	No Photos	No Report
Teresa Taylor 633 Arrowhead Dr Harriet, AR 72639 Taylor's Puppy Boutique 71-A-1247	9/6/2011 8/7/2012 7/17/2013 9/5/2013 11/5/2013	3.6 - Broken wires on surfaces 3.6 - Doors are breaking off buildings 3.11 - Spider webs, hair, and dust throughout the building 3.11 - Accumulation of hair throughout the building 2.126 - No rep. present 3.11 - Accumulated hair on top of sheltered housing	No Photos	No Report
Dana Richardson 27058 Lineville Rd Leon, Iowa 50144 Danas Waggin Tails 42-A-1381	5/10/2011 12/6/2011 1/9/2013 11/26/2013	No violations No violations No violations No violations	No Photos	No Report
Hallie Ade 6832 E Mentor Rd Gypsum, KS 67448 48-A-2111	6/23/2011 7/31/2012 10/3/2012 12/5/2012	2.40 - Expired medication 3.1 - Housing is at risk of collapsing 3.4 - No wind/rain break 3.4 - Inadequate space for dogs 3.9 - Chewed edges on food receptacles 3.10 - Four receptacles have green coating on the surface 2.126 - No rep. present 2.126 - No rep. present 3.1 - Housing is at risk of collapsing; tarp is shredded at edges and in reach of dogs 3.6 - Bent and broken wires	PHOTOS	No Report

2/12/2014 **2.126** - No rep. present
 3/4/2014 **2.75** - Dogs without proper documentation
3.1 - There is a shredded tarp in reach of dogs
3.4 - Insufficient shade
3.6 - Sharp edges of metal in housing structures

Marlene Aurand 13 N 170th St Salina, KS 67401 Aurand's Kennel 48-A-1602	8/2/2011	No violations	No Photos	No Report
	7/3/2012	No violations		
	8/15/2013	3.1 - Broken jagged edges		
		3.1 Solid flooring does not cover entire flooring 3.6 - Lack of adequate vertical height 3.9 - Outdoor food receptacles were unprotected from rain		

Cindy Wellington PO Box 236 Erie, KS 66733 Wellington Kennels 48-A-2063	12/8/2011	No violations	No Photos	No Report
	12/26/2012	No violations		
	10/30/2013	No violations		

Mary Johnson 528 S 10th St Mc Cune, KS 66753 48-A-1570	7/6/2011	No violations	No Photos	No Report
	6/26/2012	No violations		
	3/20/2013	No violations		
	3/12/2014	No violations		

John and Linda Fromm 4083 Victory Rd Chetopa, KS 67336 J & L Kennels 48-A-1294	7/20/2011	No violation	No Photos	No Report
	7/12/2012	No violation		
	5/19/2013	No violation		
	2/19/2014	No violation		

Cindy Weaver 328 Rd 31 Ek City, KS 67334 48-A-1486	10/26/2011	2.126 - No rep. present	No Photos	No report
	11/17/2011	No violations		
	9/27/2012	No violations		
	8/20/2013	No violations		

LaNae Jackson 424 6th Rd Clifton, KS 66937 Jackson Kennels 48-A-1849	3/8/2012	2.40 - Open wound in side of dogs neck	No Photos	No Report
		3.9 - Bird droppings in dog food receptacles		
	3/12/2012	No violations		
	4/25/2013	2.126 - No rep. present		

6/3/2013 **2.40** - Untreated wound to ear of dog
3.1 - Housing is insecure and unstable
3.1 - Metal gates are rusting
3.1 - Wires are broken off and protruding into dog cages
3.1 - Surfaces to housing cannot be cleaned or sanitized
3.9 - Food receptacles have rusted, jagged edges
3.10 - Water bowls have jagged edges

12/17/2013 **2.126** - No rep. present

Cindy Clausen 20092 300 Rd Portis, KS 67474 Lindley Creek Kennel 48-A-0896	1/4/2012	No violations	No Photos	No Report
	1/23/2013	No violations		
	3/13/2014	No violations		

Julie Snidow Po Box 134 Galt, MO 64641 43-A-3124	4/12/2011		No Photos	No Report
		3.4 - Inadequate height for dogs 3.11 - In outdoor enclosure there is a layer of dried feces		
	1/18/2012	No violations		
	4/3/2013	No violations		

Raymond Lawson 40839 Dirt Road Clifton Hill, MO 65244 43-A-5385	1/17/2013	2.126 - No rep. present	No Photos	No Report
	4/22/2013	2.126 - No rep. present		
	6/17/2013	3.1 - Buildup of dirt and grime on housing 3.3 - Structures not impervious to moisture 3.4 - Structures not impervious to moisture 3.6 - Broken wires, sharp edges in enclosures 3.6 - Dogs feet are falling through flooring 3.11 - Feces and urine soaked bedding in enclosures		
	10/31/2013	2.126 - No rep. present		
	1/13/2014	3.4 - Inadequate bedding in shelters despite low temperatures 3.4 - Enclosures not impervious to moisture		

3.6 - Enclosures with broken wires
3.11 - Housing with piles of feces and urine soaked into bedding

Myra Burrow 7/21/2011 **3.6** - Dog doors that are chewed and clawed No Photos No Report
 2375 NW 400 Rd
 Osceola, MO 64776 **3.11** - Dog doors have build up of grime and dogs body oils
 Burrow Kountry Kennel
 43-A-5503

Renea Culler 6/20/2011 No violations No Photos No Report
 2016 Shelby 241 10/10/2012 **2.40** - Breeder never notified veterinarian of blue haze on dogs eye
 Shelbyville, MO 63469 **2.75** - Undocumented dogs on grounds
 Culler Kennel **3.11** - Algae like substance on food bowls, dogs are drinking brown water
 43-A-3094 11/18/2013 cages

Deb Cannon 2/2/2012 **3.1** - Doggy doors are chewed and cannot be sanitized No Photos No Report
 9601 South 485 Rd
 Miami, OK 74354 **3.6** - Sharp points sticking into the housing areas
 Impossible Dream Kennel **3.6** - Rubber on wire flooring has worn off
 73-A-1772

<u>Brokers</u>	<u>Dates of USDA Investigations</u>	<u>USDA Violations</u>	<u>USDA Photos</u>	<u>CAPS Investigations</u>
Loe Kennels	4/27/2011	No violations	No Photos	No Report
3812 N Rd	1/25/2012	No violations		
Beloit, KS 67420	7/2/2013	No violations		
Kathy and Delmar Loe				
48-B-0246				

Charlene Koster 6/28/2011 **2.40** - Dog with matter hair and fecal matter around anus; dog with sagging lower jaw; dogs with wounds at base of ears covered with flies; dog with wound on left side of body; dog with hair loss on chest; dog has fleshy mass covering his eye No Photos No Report
 532 K 106
 Minneapolis, KS 67467
 43-B-0271

		3.4 - Inadequate shelter structures		
		3.6 - Sharp points sticking into wire cages		
		3.11 - Hair, food, and debris accumulating in corner		
		3.11 - Yellow and cloudy water in water receptacles		
		3.11 - Excessive flies near piles of excreta behind outdoor enclosures		
	5/9/2013	2.126 - No rep. present		
	6/20/2013	2.40 - Growth on top of dogs head		
		3.1 - Unsafe structures		
		3.6 - Jagged edges to walls		
		2.40 - Dog with matted hair on legs, back and rear end		
	2/13/2014	3.10 Structures are sagging and contain openings with jagged edges		
		3.1 - Mixture of dirt, grease, and excreta on the walls and floors		
		3.4 Dogs with insufficient bedding despite temperatures as low as 28 degrees F		
		3.6 - Gaps and holes in floor and fences		
		3.9 - Feces visibly mixed into food		
		3.11 - Several enclosures with excessive accumulation of feces		
	2/25/2014	2.126 - No rep. present		
	3/6/2014	No violations		
Canterbury Tails Pets	11/28/2011	No violations	PHOTOS	No Report
875 Dakota Rd	5/22/2012	2.40 - Dog with hair loss; dog with copious dark discharge from eye		
McPherson, KS 67640				
48-B-0319	7/11/2013	3.1 - Metal in housing areas are rusting		
Audrey Rottinghaus	4/30/2012	2.40 - Several untreated dogs with symptoms consistent with dental disease, and dogs unable to put weight on back legs	PHOTOS	No Report
1377 144th Rd				
Seneca, KS 66538				
Wendy Pets		3.1 - Inadequate construction of housing facilities		
48-B-0313		3.1 - Open sack of dog feed		

3.9 - Accumulation of grime and
chewed surfaces in feeders

8/13/2012

No violations

12/4/2013

No violations

Doggy Forever, Inc.
249-15 Northern Blvd.
Little Neck, NY 11373

Purrfect Pets
1915 Mott Avenue
Far Rockaway, NY
11691

Henrocks Pups
1877 Woodbine St.
Ridgewood, NY 11385

Loely Doggy Inc.
248-12 Northern Blvd.
Little Neck, NY 11362

Hi Doggy
36-45 Bell Blvd.
Bayside, NY 11361

World of Q Puppies
135-01 Northern Blvd.
Flushing, NY 11354

Mama & Papas
45-12 Parsons Blvd.
Flushing, NY 11355

Puppy Land by Juliana

9529 Jamaica Ave.
Woodhaven, NY 11421

Tropical Pets Inc.

37-65 A 103 St.
Corona, NY 11368

Puppy Paws NYC

94-33 Rockaway Blvd.
Ozone Park, NY 11417

Zoo-Rama Pets

104-19 Northern Blvd.
Corona, NY 11368

Ivan's Puppies

371 Peter Ave
Staten Island, NY 10306

Arcadia Pets

4371 Amboy Road
Staten Island, NY 10312

THREE EXEMPLAR BREEDERS SUPPLYING TO NYC STORES

Debra Pratt (42-A-1399)

825 120th St.

New Sharon, IA 50207

Animal Welfare Act Violations: 60 (Last Three Years)

Supplying Stores: Puppy Club, 149-05 Northern Blvd., Flushing, NY 11354

Worst AWA Violations

October 2, 2012:

1. There were numerous dogs with eye problems (discharge and abnormal growths).
2. Breeder was collecting feces and urine in buckets in housing facilities; there was no drainage system for waste.

February 14, 2013

1. There were numerous dogs with eye problems.
2. Breeder was continuing to collect feces and urine waste in buckets.
3. Facilities smelled of ammonia.
4. Structural petitions were in danger of falling on dogs.
5. Dogs' feet can fall through flooring in building.

March 26, 2013

1. There were thirty or more dogs with untreated medical issues (discharge and growth on eyes, hair falling off dogs, dogs' eyelids turning inwards, untreated lesions, swollen growths).
2. Buildings were too unsafe for inspectors to enter.
3. There was an accumulation of trash in the facilities.
4. Breeder was still collecting animal waste in buckets.
5. The ammonia smell from urine burned the inspectors' eyes.
6. There was no dry bedding in the outdoor housing despite very low overnight temperatures.
7. Housing was not structurally sound and was in danger of collapsing.
8. Food feeders were covered in excreta.
9. Water receptacles were filled with brown water and were coated in excreta.
10. Dogs were unable to avoid lying in their own feces.
11. A dog was seen carrying a dead rat in its mouth.
12. Dog housing was in close proximity to horse manure waste piles.

September 18, 2013

1. Holes in flooring were large enough for dogs' legs to fall through.
2. Rodent droppings were visible in facility.

Interstate Shipment

Exhibition

Sale

STATE OF IOWA
DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP
Bureau of Animal Industry

DC 467508

SHIP VIA:
Air Auto
Rail Ship

Certificate of Veterinary Inspection for Cats / Dogs

Owner or Consignor Debra Pratt
~~2825 120th St~~ Address 2825 120th Street City New Sharon, IA 50207 Telephone Number 641-485-2556
Consignee New York Puppy Club
Address 14905 Northern Blvd City Flushing NY, 11354 Telephone Number 718-866-1055

DESCRIPTION	BREED / COLOR	SEX	AGE / DOB	TATTOO MICROCHIP NUMBER	RABIES TAG NUMBER	RABIES VACCINE TYPE		MANUFACTURER	SERIAL NUMBER
						Live / Killed	1 year 3 year		
12-26	Fawn / Sable	F	11/12		N/A				

Iowa Department of Agriculture
STATE OF IOWA
DEPARTMENT OF AGRICULTURE
AND LAND STEWARDSHIP



Inspection Report

Debra Pratt
2825 - 120th St.
New Sharon, IA 50207

Customer ID: 321436
Certificate: 42-A-1399
Site: 001
Debra Pratt

Type: ROUTINE INSPECTION
Date: Sep-18-2013

3.1 (a)
HOUSING FACILITIES, GENERAL.

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair.

** Two enclosures had holes in the back wall of the enclosures. The holes can trap dirt and debris, provide rodents a place to live and cannot be properly cleaned and sanitized. The enclosures need to be repaired or the dogs moved to enclosures that are in good repair. To be corrected by: 10-03-13.

** The walkway inside of the facility had a rip in the vinyl flooring. The rip in the flooring can trap dirt and debris and does not allow for proper cleaning and sanitizing. The floor needs to be repaired to allow for proper cleaning and sanitizing. To be corrected by: 10-03-13.

All housing facilities for dogs must be kept in good repair.

3.1 (c) (3)
HOUSING FACILITIES, GENERAL.

(3) Cleaning. Surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices.

** Inside of the facility around windows and heat lamps there was an accumulation of spider webs. This does not demonstrate proper animal husbandry and could be a fire hazard with spider webs around heat lamps. The facility must be cleaned to remove the spider webs and maintained, to demonstrate proper husbandry practices and reduce fire hazards. All surfaces of the facility must be cleaned when necessary to satisfy general husbandry standards. To be corrected by: 10-03-13.

Prepared By:	JOHN LIES, A.C.I.	
Title:	JOHN J LIES, A.C.I. USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 4041	Date: Sep-18-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Sep-18-2013



Inspection Report

3.2 (b) REPEAT

INDOOR HOUSING FACILITIES.

(b) Ventilation. Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation.

** The indoor building had a noticeable ammonia odor that was felt in the eyes and nose of the inspector, but not to the point that it was irritating. The owner needs to increase the ventilation to minimize odors, ammonia levels and to provide for the health and well being of the animals.

3.6 (a) (2) (x)

PRIMARY ENCLOSURES.

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

** One enclosure housing two Chihuahua had a hole in the elevated flooring approximately 2"x 2" . The hole that is in the elevated flooring could allow the feet of the dogs inside of the enclosures to fall through the flooring which could injure the feet or legs of the animals. The flooring needs to be repaired so that it does not allow for the dogs feet to fall through the floor or the dogs moved to an enclosure with flooring in good repair. All flooring must be constructed in a manner that protects the dogs feet and legs from possible injury. To be corrected by: 10-03-13.

3.11 (c)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(c) Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

** The building had tall weeds surrounding the outside of the facility. The weeds can provide living and breeding areas for rodents and other pest. The weeds around the outside of the facility must be removed and controlled to reduce living and breeding areas for rodents and other pest. All weeds, grasses and bushes must be controlled to facilitate cleaning of the premises and pest control. To be corrected by: 10-03-13.

Prepared By:	JOHN LIES, A.C.I.	
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care
Title:	ANIMAL CARE INSPECTOR	Inspector 4041
Received By:	(b) (6), (b) (7) (c)	
Title:		

Date:
Sep-18-2013
Date:
Sep-18-2013



Inspection Report

3.11 (d)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

** Rodent droppings were observed inside of the facility. Rodents can carry disease and health hazards. The owner must establish and maintain an effective program to control pest to promote the health and well-being of the animals and reduce contamination by pest in the animal area. To be corrected by: 10-03-13.

Inspection of facility only.

This inspection and exit briefing conducted with the owner.

End of report.

Prepared By:	JOHN LIES, A.C.I.	
Title:	JOHN J LIES, A.C.I. USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 4041	Date: Sep-18-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Sep-18-2013

Debra Pratt
New Sharon, IA
42-A-1399

3.1(f) Cleaning and waste disposal
3.11(e) Cleaning of primary enclosures



Pratt

Debra Pratt
New Sharon, IA
42-A-1399

2:40 - Veterinary Care



Pratt

Debra Pratt
New Sharon, IA
42-A-1399

2.40 - Veterinary Care



Pratt

Donald Schrage (43-A-1957)

Rt. 3 Box 234

Edina, MO 63537

Rabbit Ridge Kennel

Animal Welfare Act Violations: 55 (Last Three Years)

Supplying Stores: Pets Unlimited, 45-10 46th Street, Sunnyside, NY 11104

Worst AWA Violations

August 2, 2011

1. Dogs were housed in a building with a heat index of 120 degrees F; dogs were overheating, several dogs were unresponsive, and an inspector watched a dog pass out.
2. There were numerous dogs with untreated injuries and one dog seemed to be "crazy."
3. Breeder was picking dogs up by one leg.
4. There was broken glass on the floor of the dog housing.
5. Dogs' legs were passing through flooring.
6. Puppies were housed with adult dogs other than the dam; adult dogs were growling at puppies.
7. There was no exercise plan for puppies.
8. There was a yellow liquid substance, dirt, gravel, caked food, and feces in feeding trough.
9. There was greenish-black slime on the bottom of a water receptacle.

August 15, 2011

1. There was green discharge from dogs' eyes and discharge from the vulva of dog.
2. Dog had bite wounds from being housed with a dog that is constantly attacking it.
3. Dogs were extremely underweight and lacking muscle.

May 23, 2012

1. Dogs were extremely underfed and lacking muscle.
2. There were uncapped needle and syringes in a dog's housing area.
3. Dogs' legs were falling through the flooring.

December 11, 2012

1. Dogs were extremely underweight and inspectors found yellow, loose, bloody stools in housing.
2. Breeder performed surgery on dogs without sanitization or veterinarian license.
3. There was an uncapped needle and syringe on top of a housing structure.
4. Dog was shivering and crouched from being left outside in temperatures below 40 degrees F (without veterinarian approval).

June 18, 2013

1. Dog was not putting weight on its paw due to injury.



STATE OF MISSOURI
DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL HEALTH
SMALL ANIMAL HEALTH CERTIFICATE

DATE 1/5/13

TRANSPORTED BY
 CAR AIR RAIL TRUCK

CONSIGNOR Donald Schrage
 ADDRESS Rt 3 Box 234
 CITY Edina STATE MO ZIP 63537
 CONSIGNEE Pets Unlimited
 ADDRESS 45-10 96th St
 CITY Sunnyside STATE NY ZIP 10004

SPECIES	BREED	AGE	SEX	DESCRIPTION	RABIES VACCINATION			OTHER VACCINATIONS	
					DATE	TYPE	TAG NO.	DATE	TYPE
<u>K-9</u>	<u>CK</u>	<u>2w</u>	<u>3m</u> <u>1F</u>	<u>Bull</u>					

OTHER REMARKS

I have inspected the animals described hereon and find them to be free from visible signs of infectious, contagious, or communicable disease. The vaccinations and results of tests are as indicated above.

SIGNATURE OF VETERINARIAN [Signature] PRINTED NAME OF VETERINARIAN Debra Mayes DVM ADDRESS Shelbina MO VET AGREEMENT CODE 008235

MO 350-0480 (5-10)

DISTRIBUTION: WHITE - ACCOMPANY SHIPMENT CANARY - STATE VETERINARIAN PINK - ISSUING VET FILE



Inspection Report

Donald Schrage
Rabbit Ridge Kennel
Rural Route 3, Box 234
Edina, MO 63537

Customer ID: 4411
Certificate: 43-A-1957
Site: 001
DONALD SCHRAGE

Type: ATTEMPTED INSPECTION
Date: Feb-10-2014

2.126 (b)

ACCESS AND INSPECTION OF RECORDS AND PROPERTY; SUBMISSION OF ITINERARIES.

A responsible person was not available to accompany APHIS Officials during the inspection process at 11:10am - 11:40am on 02/10/2014.

Inspectors honked vehicle horn, spoke with a person who informed inspectors that the licensee was not at home. Inspector called listed phone number with no response and waited for 30 minutes in the driveway.

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I ANIMAL CARE INSPECTOR	USDA, APHIS, Animal Care Inspector 5054
Received By:	(b)(6),(b)(7)(c)	
Title:		

Date:
Feb-11-2014
Date:
Feb-11-2014



Inspection Report

DONALD SCHRAGE

Customer ID: 4411

Certificate: 43-A-1957

Site: 001

DONALD SCHRAGE

RABBIT RIDGE KENNEL
RURAL ROUTE 3, BOX 234

EDINA, MO 63537

Type: ROUTINE INSPECTION
Date: 22 October 2013

2.40 (b)(2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

A female Boston Terrier, tag #095, was observed repeatedly blinking and squinting her left eye. The left eye was tearing to the point that the hair around the eye was wet. There was a small, gray, cloudy area which appeared to be on the surface of the eye located over the central top part of the iris. The licensee had not noticed the dog's condition until the inspectors pointed it out during the inspection. This could be due to an injury or other veterinary medical condition that may be painful.

A female Poodle, tag # 161, was observed with a bright red, open and oozing wound, approximately 1/2 inch in diameter, on the flap of the ear. The hair around the wound was crusted with dark black-like material. The licensee had not noticed the dog's condition until it was pointed out to him during the inspection. This lesion could be the result of an injury or due to another veterinary medical condition that may be painful.

The licensee must have these dogs examined by a licensed veterinarian no later than the close of business of 25 October, 2013 in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. All animals must receive adequate veterinary care at all times.

*The female Pomeranian, tag#011, which was previously identified with veterinary care concerns during the inspection conducted on 18 June 13 has been addressed.

3.1 (c)(3) REPEAT

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 5054	Date: 22 October 2013
Received By:	(b)(6),(b)(7)(c)	
Title:		Date: 22 October 2013



Inspection Report

excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in Sec. 3.11(b)(3) for primary enclosures.

At least five wire enclosures within the whelping building, affecting 5 adult dogs and 9 puppies, had hair, dirt and grime along the tops and sides of the enclosures. When questioned by the inspector as to the last time he had cleaned these enclosures the licensee stated that it had been about 2 weeks. The hair, dirt and grime on these enclosures increase the risk of disease hazards. The licensee must ensure that all surfaces of housing facilities are cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. This is a repeat non compliant item

Inspection and exit interview was conducted with the licensee

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 5054	Date: 22 October 2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: 22 October 2013



Inspection Report

Donald Schrage
Rabbit Ridge Kennel
Rural Route 3, Box 234
Edina, MO 63537

Customer ID: 4411
Certificate: 43-A-1957
Site: 001
DONALD SCHRAGE

Type: ROUTINE INSPECTION
Date: Jun-18-2013

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

***A female Pomeranian (#011) was observed holding up her left front leg and only intermittently bearing weight on it. According to the licensee, he had not noticed the dog's condition until the inspectors pointed it out during the inspection. An animal that is not bearing weight on a leg could indicate an injury, illness or variety of other veterinary medical conditions that may be painful. The licensee must have this dog examined by a licensed veterinarian no later than June 20, 2013 in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. All animals must receive adequate veterinary care at all times.

***Within the whelping building there was a container of "Granulex" which was past its labeled expiration date (05/12) and stored with other medications currently being used at the facility. According to written documentation at the facility the "Granulex" was currently being used on some of the dogs for various conditions; and the licensee acknowledged to be currently using the "Granulex" on some of the dogs for various conditions. The use of expired medications may not work as anticipated, could become contaminated and could harm the animals. The licensee must ensure that all medications are not used past their labeled expiration date. The owner must ensure that appropriate methods of veterinary care are used at all times. Note: The licensee discarded the expired "Granulex" during the inspection.

*The female Lhasa Apso (#013) and white and tan Lhasa Apso puppy, DOB 14 Nov 12, which were previously identified with veterinary care concerns during the inspection conducted on 02 Jan 13 have been addressed.

2.50 (a) (2)

TIME AND METHOD OF IDENTIFICATION.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: (2) Live puppies or kittens, less than 16 weeks of age, shall be identified by: (i) An official tag as described in Sec.

Prepared By:	ERIKA LEISNER, D.V.M.	
	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care	Date:
	Title: VETERINARY MEDICAL OFFICER Inspector 6037	Jun-19-2013
Received By:	(b) (6), (b) (7) (c)	
	Title:	Date:
		Jun-20-2013



Inspection Report

2.51; (ii) A distinctive and legible tattoo marking approved by the Administrator; or (iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to Sec. 2.51.

***Within the whelping building, there were four enclosures housing a total of eight puppies less than 16 weeks of age which were not identified. The licensee was using cage cards which were missing required identification information for the puppies. Only one of the enclosures had a cage card which identified the number of puppies inside of it as male or female. All of the cage cards were missing numbers which identified the puppies. Identification is required in order to ensure that each animal's identity can be known with certainty and to facilitate record keeping requirements. The licensee must ensure that all dogs less than 16 weeks of age are identified by an official tag as described in Sec. 2.51, a legible tattoo approved by the Administrator, a microchip, or a cage card (if maintained as a litter with their dam and housed within the same primary enclosure). TO BE CORRECTED BY: June 20, 2013.

3.1 (c) (3)

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in Sec. 3.11(b)(3) for primary enclosures.

***At least half of the outdoor portions of the wire enclosures for the sheltered building had hair, dirt and grime along the tops of the enclosures. Also, at least two wire enclosures within the whelping building had hair, dirt and grime along the tops and sides of the enclosures. One of these enclosures, containing an adult dog with two of her puppies, was last cleaned May 26th according to the licensee. The hair, dirt and grime on these enclosures increase the risk of disease hazards. The licensee must ensure that all surfaces of housing facilities are cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. TO BE CORRECTED BY: July 2, 2013

3.11 (d)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

***A female Labrador Retriever was observed with several flies on her ear, legs and around her enclosure. At one point, eight flies were seen gathered around a very small sore-like lesion on the outside of the dog's right ear which it would twitch. Flies can decrease the comfort of the animals and increase the risk of disease hazards. The licensee must establish a safe and effective program to control pests so as to

Prepared By:	ERIK A LEISNER, D.V.M.	Date:	
Title:	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care	Date:	Jun-19-2013
Received By:	(b)(6),(b)(7)(c)	Date:	
Title:		Date:	Jun-20-2013



Inspection Report

promote the health and well-being of the animals. TO BE CORRECTED BY: June 20, 2013.

The inspection was conducted with the licensee. A verbal exit interview was conducted on June 18, 2013 during which all correction dates were discussed and were acknowledged to be understood by the licensee.

Prepared By:	ERIK A LEISNER, D.V.M.	
Title:	ERIK A L LEISNER, D.V.M. USDA, APHIS, Animal Care VETERINARY MEDICAL OFFICER Inspector 6037	Date: Jun-19-2013
Received By:	(b)(6),(b)(7)(c)	
Title:		Date: Jun-20-2013



Inspection Report

DONALD SCHRAGE
RABBIT RIDGE KENNEL
RURAL ROUTE 3, BOX 234
EDINA, MO 63537

Customer ID: 4411
Certificate: 43-A-1957
Site: 001
DONALD SCHRAGE

Type: ATTEMPTED INSPECTION
Date: Apr-08-2013

2.126 (b)

ACCESS AND INSPECTION OF RECORDS AND PROPERTY.

Section 2.126(b) - Access and inspection of records and property: A responsible adult shall be made available to accompany APHIS officials during the inspection process.

A responsible adult was not available to accompany APHIS Officials during the inspection process at 2:00pm - 2:30pm on 04/08/2013.

Inspectors knocked on all doors, honked vehicle horn, and called listed phone number with no response.

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 5054	Date: Apr-09-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Apr-09-2013



Inspection Report

DONALD SCHRAGE

Customer ID: 4411

Certificate: 43-A-1957

Site: 001

DONALD SCHRAGE

RABBIT RIDGE KENNEL
RURAL ROUTE 3, BOX 234

Type: ROUTINE INSPECTION

Date: Jan-02-2013

EDINA, MO 63537

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

A female Lhasa Apso, tag #013, was observed with matting of the hair on her ears, face, neck, back, and chest. This dog also had a circular shaped open wound, approximately 1 inch in diameter, on the left side of her neck. The wound was encrusted with a brown material on the outer edges and the skin was open and reddened on the inside area of the wound. The licensee was not aware of this lesion until it was pointed out to him by the inspectors. This wound could be the result of an injury or other medical condition. Matting of the hair coat can be painful, can lead to the development of skin infections, and reduces the ability of the coat to insulate the animal. The licensee must remove the matted hair from this dog. The licensee must consult with a veterinarian for an appropriate diagnosis and treatment plan on the skin lesion.

Inside of the whelping facility a white and tan Lhasa Apso puppy, DOB 14 Nov 12, was observed to be wet and soiled on its face, chest, abdomen, legs and feet. This puppy also had a large walnut sized mass, composed of diarrhea entangled with hair, on its rear end. When questioned about the wet and soiled conditions of the puppy the licensee replied that it was because the dogs and puppies urinate and defecate in the boxes and that the dark color on the hair was from the newspaper. There was a small amount of wet newspaper left inside of the whelping box at the time of inspection. When dogs and/or puppies become wet and soiled it could cause matting of the haircoat and could become a potential health hazard. The licensee must clean and thoroughly dry this puppy and remove the matted hair and fecal material from its rear end and consult with a veterinarian for an appropriate diagnosis and treatment plan for the diarrhea.

The licensee must provide adequate veterinary care to all animals at all times and must develop an effective program of hair coat maintenance.

This is a repeat non-compliant item.

Prepared By: STEPHANIE OSBORNE, A C I
STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 5054

Date:
Jan-03-2013

Received By: (b) (6), (b) (7) (c)
Title:

Date:
Jan-03-2013



Inspection Report

3.6 (a) (2) (v)

PRIMARY ENCLOSURES.

Primary enclosures for dogs and cats must meet the following minimum requirements:

- (a) General requirements.(2) Primary enclosures must be constructed and maintained so that they:
 - (v) Enable the dogs and cats to remain dry and clean;

....

Throughout the facility there were several female dogs and puppies noted that had dirty and discolored haircoats, some with matting of haircoat, and some with wet haircoats. All of these dogs had recently been or currently are housed in the indoor whelping facility. These dogs and puppies include: 2 female Cocker Spaniels, ID's not obtained, now housed outdoor, a female West Highland Terrier, tag #002, now housed outdoor, a female Lhasa Apso, tag #013, and the young Maltese, no ID obtained, now housed in the sheltered facility, and a female Lhasa Apso, tag #183, with two puppies, housed in the indoor whelping facility.

When the inspectors asked how these dogs and puppies became dirty and wet the licensee repeatedly responded that it was because they would urinate and defecate in the whelping boxes causing the newspaper to become wet and that the adult dogs were also rubbing on the "Licks Its" causing them to become wet. In reference to the young Maltese, housed in the sheltered facility, the licensee stated it was wet and dirty because the dog would urinate and defecate on of the rubber-like solid resting surface in the enclosure.

When the dog's and puppies' haircoats become wet and dirty it can cause matting and/or lead to other negative health conditions. The licensee must clean and thoroughly dry these dogs and puppies and ensure that all primary enclosures are constructed and maintained so that the dogs and puppies remain clean and dry.

To be corrected by: 7 Jan 13

This is a focused inspection specifically addressing 2.40 b. 2. (Veterinary Care), 3.4 a. 1. i. and 3.4 a. 1. ii (Short haired dogs housed in outdoor enclosures) and 3.6 a. 2. v. (Primary Enclosures).

The female Lhasa Apso, tag #187, the male Poodle, tag #068, the male Bichon Frise, microchip #081779872, the female Maltese, tag #318, and the female Bichon Frise, tag #47, all which were previously identified with veterinary care concerns during the inspection conducted on 11 Dec 12 have been addressed.

The male and female Boston Terriers housed in an outdoor enclosure, previously identified during the inspection conducted on 11 Dec 12, have been addressed.

This inspection was conducted with the licensee, VMO Amanda Owens, and ACI Stephanie Osborne. An exit interview was conducted with the licensee and ACI Stephanie Osborne on 4 Jan 12.

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 5054	Date: Jan-03-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Jan-03-2013

Judy Gray (43-A-4052)
107 South St.
Rothville, MO 64676

Animal Welfare Act Violations: 47 (Last Three Years)

Supplying Stores: Ideal Pets, 356 East 116th St., New York, NY 10029
Teacup Pups, 70-17 Austin St., Forest Hills, NY 11375

Worst AWA Violations

June 21, 2012

1. Dogs' feet were passing through the flooring.
2. There were excessive flies around the housing.
3. There were dogs with symptoms of gum disease and a dog with a lesion on its scrotum.
4. There was an accumulation of fecal matter, dirt, and grime throughout facility.
5. The fecal and urine waste system was broken, and waste was accumulating near dogs.

March 13, 2013

1. There were dogs with symptoms of gum disease, and a dog was exhibiting extremely abnormal behavior.
2. Breeder was dipping dogs in Prolate Dip for cattle, which is not approved for use on dogs.
3. There was a bucket of urine and fecal matter in the facility.
4. Inspectors noticed a very strong ammonia and fecal odor in the facility.
5. There was fecal matter smashed and smeared in facility.

June 26, 2013

1. Breeder was using medication that expired five years ago.



STATE OF MISSOURI
DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL HEALTH
SMALL ANIMAL HEALTH CERTIFICATE

CONSIGNOR Judy Gray
ADDRESS 107 South St.
CITY Rothville STATE Mo. ZIP 64676

DATE 7-2-12

TRANSPORTED BY
 CAR AIR RAIL TRUCK

CONSIGNEE Teacup Pup Corp
ADDRESS 70-17 Austin SE Lower Level
CITY Forest Hills STATE NY ZIP 11375

SPECIES	BREED	AGE	SEX	DESCRIPTION
<u>canine</u>	<u>Yorkie</u>	<u>8wk</u>	<u>1-M</u> <u>1-F</u>	<u>Black Tan</u>

RABIES VACCINATION			OTHER VACCINATIONS	
DATE	TYPE	TAG NO.	DATE	TYPE

OTHER REMARKS

I have inspected the animals described hereon and find them to be free from visible signs of infectious, contagious, or communicable disease. The vaccinations and results of tests are as indicated above.

SIGNATURE OF VETERINARIAN Harland Sprouse
PRINTED NAME OF VETERINARIAN Harland Sprouse

BROOKFIELD VETERINARY CLINIC
ADDRESS P.O. Box 348
Brookfield, Missouri 64628
VET AGREEMENT CODE 056263

MO 360-0480 (6-10)

DISTRIBUTION: WHITE - ACCOMPANY SHIPMENT, CANARY - STATE VETERINARIAN, PINK - ISSUING VET FILE



STATE OF MISSOURI
DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL HEALTH
SMALL ANIMAL HEALTH CERTIFICATE

DATE 5-19-12

TRANSPORTED BY
 CAR AIR RAIL TRUCK

CONSIGNOR <u>Judy Gray</u>				CONSIGNEE <u>Ideal Pets Warehouse</u>			
ADDRESS <u>107 S. State</u>				ADDRESS <u>356 E. 116th St</u>			
CITY <u>Rothville</u>		STATE <u>MO</u>	ZIP <u>64676</u>	CITY <u>New York</u>		STATE <u>NY</u>	ZIP <u>10029</u>

SPECIES	BREED	AGE	SEX	DESCRIPTION	RABIES VACCINATION			OTHER VACCINATIONS	
					DATE	TYPE	TAG NO.	DATE	TYPE
<u>Canine</u>	<u>Chi</u>	<u>8wk</u>	<u>F</u>	<u>wh/ fawn spots</u>					

OTHER REMARKS

I have inspected the animals described hereon and find them to be free from visible signs of infectious, contagious, or communicable disease. The vaccinations and results of tests are as indicated above.

BROOKFIELD VETERINARY CLINIC

SIGNATURE OF VETERINARIAN <u>Harland Sprouse DVM</u>	PRINTED NAME OF VETERINARIAN <u>Harland Sprouse</u>	ADDRESS <u>P.O. Box 346</u> <u>Brookfield, Missouri 64328</u>	VET AGREEMENT CODE <u>052263</u>
---	--	---	-------------------------------------

MO 350-0480 (5-10)

2225 - S.C.V.

DISTRIBUTION: WHITE - ACCOMPANY SHIPMENT CANARY - STATE VETERINARIAN PINK - ISSUING VET FILE



Inspection Report

Jeffrey Gray
Judy Gray
107 South Street
Rothville, MO 64676

Customer ID: 24809
Certificate: 43-A-4052
Site: 001
JEFFREY & JUDY GRAY

Type: ATTEMPTED INSPECTION
Date: Mar-12-2014

2.126 (b)

ACCESS AND INSPECTION OF RECORDS AND PROPERTY; SUBMISSION OF ITINERARIES.

Section 2.126(b) - Access and inspection of records and property:

A responsible adult was not available to accompany APHIS Officials during the inspection process at 10:20 am on 03/12/2014.

Prepared By:	CHAD PROCTOR, A. C. I.	
Title:	CHAD PROCTOR, A. C. I. USDA, APHIS, Animal Care ANIMAL CARE INSPECTOR Inspector 6044	Date: Mar-12-2014
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Mar-12-2014



Inspection Report

Jeffrey Gray
Judy Gray
107 South Street
Rothville, MO 64676

Customer ID: 24809
Certificate: 43-A-4052
Site: 001
JEFFREY & JUDY GRAY

Type: ROUTINE INSPECTION
Date: Oct-23-2013

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

There was a male Chihuahua (#087*102*517) that was limping and intermittently holding up its right front leg. On closer observation, a middle digital pad had an approximately 1/2 inch area which was light red to pink in color. Along the edge of the affected foot pad, there was also a small nodule-like lesion. The dog pulled the foot back when the inspector felt around the lesion on the foot pad. This dog's condition could be the result of injury, illness or other veterinary medical condition which may be uncomfortable. The licensee must have this dog seen by a licensed veterinarian in order to ensure that an accurate diagnosis and appropriate treatment plan is developed and followed. The licensee must ensure that all animals receive adequate veterinary care at all times.

There was a male Maltese (#0A01761551) which had several areas of reddened skin on or near the left rear leg. Also, the scrotum had two reddened skin lesions. One of the scrotal lesions was approximately 2 cm in diameter, reddened and open. The skin surrounding this lesion appeared grey to black and thickened. There were also various sized red to pink skin lesions on the dog's left hip, on the back of the left leg near the tail and on the side of the left leg near the knee. The dog's left rear foot is missing from a healed injury that occurred in the past according to the owner. This dog has been included on reports from inspections conducted on 13 Mar 2013 and 7 Nov 12 for open skin lesions on the scrotum. According to the licensee, she was not aware of the dog's current condition until it was pointed out by the inspectors. This dog's condition could be the result of injury, illness or other veterinary medical condition which may be uncomfortable.

There was an approximately 3 week old female English Bulldog (#137-13) with skin that was generally thickened and bright red over its belly and on the inside of both rear legs. The majority of the puppy's fur was wet. On closer observation it was noted that the bedding the puppy was lying on was wet and the moisture had soaked through to the pan underneath the bedding material. The licensee provided clean bedding material during the inspection. This puppy's skin condition could be the result of irritation, infection or other veterinary medical condition which could cause discomfort.

Prepared By:	CHAD PROCTOR, A. C. I.	
Title:	CHAD PROCTOR, A. C. I. ANIMAL CARE INSPECTOR	USDA, APHIS, Animal Care Inspector 6044
		Date: Oct-24-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Oct-24-2013



Inspection Report

The licensee must consult a licensed veterinarian about the Maltese and English Bulldog puppy, in order to ensure that accurate diagnoses and appropriate treatment plans are developed and followed. The licensee must ensure that all animals receive adequate veterinary care at all times.

3.1 (c) (1) (i)

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

(i) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

The expanded metal flooring and wire doors, in the small dog sheltered building, are showing signs of excessive rust. Paint is missing or flaking and swelling in many areas. In some areas the bare metal is pitted. The rust hinders the ability to clean and sanitize properly. It also can decrease the structural integrity of the enclosures. Licensee must repair or replace surfaces to ensure that all surfaces are free of excessive rust.

To be corrected by: Jan 1, 2014.

3.1 (c) (3) REPEAT

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(3) Cleaning. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with Sec. 3.11(b) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Sanitization may be done using any of the methods provided in Sec. 3.11(b)(3) for primary enclosures.

The sheltered building housing the English Bulldogs had at least 6 interior doorways that had a brownish dirt and grime on them. The doors were 30% - 70% covered. The walls inside the enclosures in the same building, had dirt and grime on them. The sheltered building housing the small breed dogs had at least 2 enclosures that had dirt and grime on the doorway and wall in the exterior portion of the enclosure. Also at least 3 enclosures had more than a days worth of fecal material on the floor of the inside portion.

Buildings and surfaces which are not cleaned and sanitized properly or often enough, increase the risk of disease hazards for the dogs. The licensee must ensure all surfaces in contact with the dogs are spot cleaned daily and sanitized at least once every two weeks. The licensee must ensure all other surfaces of housing facilities are cleaned and sanitized when necessary to satisfy generally accepted husbandry standards.

Prepared By:	CHAD PROCTOR, A. C. I.		Date:
Title:	CHAD PROCTOR, A. C. I.	USDA, APHIS, Animal Care Inspector 6044	Oct-24-2013
Received By:	(b) (6), (b) (7) (C)		Date:
Title:			Oct-24-2013



Inspection Report

The veterinary care 2.40 (b)(2) for the male Yorkie (#097 294 630) from the June 26, 2013 inspection report has been addressed.

The inspection and exit interview were conducted with the licensee.

Prepared By:	CHAD PROCTOR, A. C. I.		
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Received By:	(b) (6), (b) (7) (c)		
Title:			Date: Oct-24-2013



Inspection Report

Jeffrey Gray
Judy Gray
107 South Street
Rothville, MO 64676

Customer ID: 24809
Certificate: 43-A-4052
Site: 001
JEFFREY & JUDY GRAY

Type: ROUTINE INSPECTION
Date: Jun-26-2013

2.40 (b) (2) REPEAT ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

***A male black and tan Yorkshire Terrier (#097*294*630) was observed with matted hair and a dental condition. The dog had recently been groomed over its back and sides; however, several matts were present in areas of longer hair. Matts, containing fecal-like material, were present along the front legs. Matting was also present along the inside of the back legs and on the face below the right eye. There was a build up of a crusty-like brown to black material in the corner of the right eye. The skin appeared slightly reddened around the eye. The dog was very squirmy and according to the licensee he was difficult to groom. Also, there was a heavy build-up of yellowish brown to dark brown to gray material on the teeth. This abnormal build-up of material covered the majority of the teeth and extended into the gumline. The gums had receded along some of these teeth and the roots of an upper right cheek tooth appeared to be visible. The abnormal build-up of material on the teeth can cause damage to the gum tissue and tooth structures. This can be painful, may decrease the dog's ability to eat normally and negatively impact the overall health of the animal. Matting can be uncomfortable and can increase the risk of skin sores. The crusty material in the corner of the eye could indicate an eye infection, illness or other veterinary medical condition. The licensee must have this animal's eye, mouth and teeth examined in order to ensure that an accurate diagnosis is made and an appropriate dental treatment plan is developed and followed. The licensee must develop and establish an effective dental care program as part of the overall program of veterinary care for the animals in the facility. The licensee must ensure this dog is groomed and establish an appropriate grooming schedule for all dogs. The licensee must ensure that all animals receive adequate veterinary care at all times.

***The licensee had medications at the facility that were past the labeled expiration date and transfer bottles that were not labeled with medication name, expiration date, dosage and for directions for use. The expired medications included: Nutri-Cal (expired Oct '12), Tylan 200 (expired Apr '07), Oxytocin (expired Apr '13), RXV Dexasone (expired Apr '11), Colloidal Silver Homeopathic Immune defense (expired Dec '12), two bottles of Vedco Clinda Cure (expired June '12), Pinkeye Spray (expired Jan '13), Fastbreak plus Nutritional Supplement (expired Nov '08), Legacy Gentamicin Sol. (expired Feb '10), Metronidazole

Prepared By: ERIKA LEISNER, D.V.M.

ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER Inspector 6037

Date:
Jun-27-2013

Received By: (b)(6), (b)(7)(c)

Title:

Date:
Jun-27-2013



Inspection Report

250mg tablets (expired Nov '11) and Vitamin B-12 3000mcg (expired Mar '12). There were two plastic transfer bottles: one that had no label but the licensee stated the bottle contained a "supplement" and another bottle that was labeled as "Ivomec" but was missing the expiration date. All of these medications were stored with other medications that were currently being used and therefore ready to use. Expired medications may not work as anticipated, can become contaminated or could harm the animals. The use of medications that are not properly labeled may harm the animals. The licensee must establish and maintain a program that ensures medications are not used past their labeled expiration date, and ensure all transfer bottles are labeled correctly.

*The male Chihuahua (#108031770), male Maltese (#0A01761551), female Maltese (#097604076) and male Bulldog (#0A01851705) which were previously identified with veterinary care concerns during the inspection conducted on 13 March 2013 have been addressed.

3.3 (e) (i) (iii)

SHELTERED HOUSING FACILITIES.

(e) Surfaces. (1) The following areas in sheltered housing facilities must be impervious to moisture: (ii) All walls, boxes, houses, dens, and other surfaces in contact with the animals.

***Within the indoor portion of Building 3, there were approximately seven enclosures that had dividers between them that were made of cement board which were not sealed and could allow moisture to be absorbed. Also, in each of these same enclosures, there were unsealed wooden support structures with which the animals had contact. Some of these unsealed surfaces were observed with darker and lighter colored areas at the animals' level. Surfaces with which the animals have contact that are not impervious to moisture increase the risk of disease hazards. The licensee must ensure that all surfaces in contact with the animals are impervious to moisture. TO BE CORRECTED BY: July 18, 2013.

The inspection was conducted on June 26, 2013 with the licensee. The exit interview was conducted on June 27, 2013 with the licensee.

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Received By:	(b)(6),(b)(7)(c)	Date:	
Title:		Date:	Jun-27-2013



Inspection Report

JEFFREY GRAY
JUDY GRAY

Customer ID: 24809
Certificate: 43-A-4052
Site: 001
JEFFREY & JUDY GRAY

107 SOUTH STREET

ROTHVILLE, MO 64676

Type: ROUTINE INSPECTION
Date: Mar-13-2013

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

A male long haired Chihuahua (#108031770), "Bugs", was observed with his tongue hanging out the side of his mouth. This dog was identified during the inspection conducted on 7 Nov 12 with dental issues. Upon closer observation, there is still a black and brown material observed covering the back teeth on the right side. The gums above these teeth are red and inflamed. During an attempt to observe the dog's mouth, he flinched and pulled back so repeated attempts to observe the dog's mouth were not made. Although this dog was seen by a veterinarian on 19 Nov 12 he is still showing signs of dental disease. The abnormal build-up of material on these dogs' teeth can cause damage to the gum tissue and tooth structures. This can be painful, may decrease the dogs' ability to eat normally and negatively impact the overall health of the animal.

A white, male Maltese, microchip # 0A01761551, had an approximately 1 inch by 1.5 inch irregular shaped red skin lesion in his scrotum. The lesion appeared thickened, crusty and with two small open areas. Also, this dog had some abnormal skin lesions and bumps on the inside and on the knee area of its right rear leg. This dog was identified during the inspection conducted on 7 Nov 12 with the open lesion on his scrotum. This dog was also seen by a veterinarian on 19 Nov 12 but still has a lesion on his scrotum with open lesions.

A female Maltese, microchip # 097604076, was observed with an area of reddened skin on her right side, approximately 1 inch x 2 inches, this could be a sign of an injury or other medical condition. The licensee was not aware of this until it was pointed out to her by the inspector. These skin lesions and bumps may be the result of injury, illness or other veterinary condition that could be painful or negatively impact the overall health of the animal. The licensee must have these dogs seen by a veterinarian for an appropriate diagnosis and treatment plan. The licensee must provide the inspectors with documentation of these examinations to the inspectors upon request.

There was a male bulldog, "Rebel" microchip #0A01651705, that was observed exhibiting extremely abnormal behavior. The dog was standing in the exterior portion of his enclosure in the sheltered bulldog building facing the wall of the building. He was licking and open mouth biting at the wall of the building.

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Date:
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Received By: (b)(6),(b)(7)(c)
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Date:
Mar-14-2013



Inspection Report

He appeared very agitated. He was panting and seemed to be pressing his face very hard against the wall. He did not stop this behavior for very long when he was distracted by the licensee. He would glance over, run over to the licensee, then immediately return to the wall and begin licking and biting at the wall again. The attending veterinarian had stated on the annual animal inspection that this dog was compulsive licking. There was no other documentation or instructions for the licensee from the attending veterinarian on alleviating this dog's severely abnormal behavior. The licensee stated that he always does this and that she has not done anything to address this abnormal behavior. The licensee must consult with a licensed veterinarian for an appropriate diagnosis and treatment plan for this dog and the outcome of this consultation must be documented and provided to the inspector upon request. The licensee must ensure that all animals receive adequate veterinary care at all times.

The licensee had a partially used, large bottle of Prolate Dip for Cattle. The licensee stated that she uses this on the dogs in the summer months as a dip to prevent and control external parasites. There were no directions for use of this extra-label product. This product was not listed on the program of veterinary care as an approved method of external parasite control and there was no information on this product listed on the licensee's approved medication list from the attending veterinarian. There was also no expiration date found on this product. The licensee has a type of dip listed on the approved written program of veterinary care but it is not this product nor a generic version of this product. Medications must be labeled with appropriate and accurate information in order to ensure that the contents of the container can be known with certainty, that the drugs are used at safe doses, and that medications are not used past their expiration dates. As part of the program of adequate veterinary care, the licensee must ensure that all medications are labeled with the contents (name and concentration of drug), dosing instructions (specific for the species of animal being treated), and expiration date. The licensee must ensure that appropriate methods of veterinary care are used at all times.

This is a repeat non-compliant item

2.50

TIME AND METHOD OF IDENTIFICATION.

- (a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:
- (2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:
 - (i) An official tag as described in Sec. 2.51;
 - (ii) A distinctive and legible tattoo marking approved by the Administrator; or
 - (iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to Sec. 2.51.

The licensee had two enclosures in the interior of the whelping building with weaned, older, puppies. These puppies were all more than 12 weeks of age but less than 16 weeks. In one enclosure there were 5 juveniles - 3 chihuahua females and 2 yorkshire terrier females. These 5 were from four different litters. In the second enclosure, there were four young maltese females from two different litters. There was no individual identification on the puppies at all. The licensee had multiple cage cards indicating the dams of the puppies but there was no form of official ID at all - no tags, no tattoos, no microchips, and no collars - on the puppies. The licensee routinely identifies dogs on the premises with microchips. The licensee must have all puppies less than 16 weeks of age, clearly identified in accordance with this section. Proper identification is essential to ensure the accurate tracking and identity of all animals in the facility.

To be corrected by March 20, 2013

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Received By:	(b) (6), (b) (7) (C)	
Title:		Date: Mar-14-2013



Inspection Report

3.1 (a)

HOUSING FACILITIES, GENERAL.

(a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

There was a support post in building four that had come loose. This horizontal support post was under the top section of exterior enclosures on the left side of the building. The PVC pipe was dangling loosely and no longer attached to the wall and no longer providing support to the enclosures. The enclosures were bouncing slightly more in this area and it could easily be seen that this support pipe was no longer providing structural support to the enclosures. There was also a PVC support post in the interior of the Bulldog Building that had become disconnected. This was a support post for a divider panel in between occupied enclosures. The divider panel was wobbling and not structurally sound. The licensee must ensure that all enclosures are kept in good repair and that all structural supports are in good condition and do provide the support needed to contain the animals securely and safely.

To be corrected by: 13 Apr 13

3.1 (b)

HOUSING FACILITIES, GENERAL.

(b) Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs. Housing facilities other than those maintained by research facilities and Federal research facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

Inside of the food/bedding storage building a bag of shredded newspaper was open and shredded paper was falling out of the bag and around the food storage area. In the back section of the food/bedding storage area there is an accumulation of items such as, cardboard boxes, crates, shelves, hunting accessories and other miscellaneous items stacked in a disorderly fashion. These items are not used for the care and husbandry of the animals.

Inside of the kitchen area of the indoor facility (whelping building) there is an accumulation of items stored in a disorderly fashion on the counters that contain items such as bottles of hunting sprays, other bottles and cans of household product, a bottle of Prolate, and many other items covered the entire surface of the counter. On the floors inside of the kitchen area there are many items strewn about in a disorderly fashion such as boxes, crates, containers, paper towels, open boxes and containers.

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Date:
Mar-14-2013

Date:
Mar-14-2013



Inspection Report

There was an enclosure in the interior of the licensee 's house that had a nursing female bulldog and her two puppies. There was clutter on top of and around her enclosure. There was a box of fire starters, a box of newspapers, a pitcher, and other small household items on the top of the open wire enclosure. There was a bottle of fuel stabilizer and what may have been a bottle of motor oil immediately adjacent to this open wire enclosure. All of these items could be potentially harmful to the dam and puppies or cause injury to the animals.

These areas can become a breeding area for pests and rodents and does not facilitate the cleaning requirements of this subsection. The licensee must clean these areas and ensure that all areas used for storing animal food or bedding are kept free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

To be corrected by: 18 Mar 13

3.1 (c) (1) (iii)

HOUSING FACILITIES, GENERAL.

(c) Surfaces--(1) General requirements. The surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility--must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must:

- (ii) Be free of jagged edges or sharp points that might injure the animals.

In one enclosure, housing 1 dog, of the sheltered facility, building 1, there is cut section of wire panel with sharp ends. Toward the back section of the outdoor sections of 9 of the enclosures in building 1, housing 9 dogs, there are sections of the frame sticking up through the floor and under the access doors. These cut sections of the wire panel and the sections of the frame contain sharp edges could cause injury to the dogs. The licensee must ensure that all enclosures are free of sharp points or edges that may injur the dogs at all times.

To be corrected by: 18 Mar 13

3.1 (c) (2)

HOUSING FACILITIES, GENERAL.

(c) Surfaces-- (2) Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities--including houses, dens, and other furniture-type fixtures and objects within the facility-- that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.

There were walls and divider panels in the interior enclosures of the bulldog building that have become badly chewed and are no longer in good repair. There were at least 3 of these where the dogs have chewed the plastic on the back walls and around the door frames. The chewing has made the surfaces rough and broken and they are no longer in good repair. The support surfaces under the plastic especially around the door frames are now exposed and the rough edges are trapping dirt and debris. There was one enclosure where the bulldog has chewed a hole in the divider panel plastic. The hole was at

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Inspection Report

least 6-8 inches in diameter and this was not in good repair. The licensee must ensure that all surfaces in the facility are maintained on a regular basis and kept in good repair at all times to allow for ease of cleaning and disinfecting. To be corrected by: 20 Mar 13

3.1 (e)

HOUSING FACILITIES, GENERAL.

(e) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

There was a small, open plastic bag filled with shredded paper on the floor of the second room of the whelping building. When questioned, the licensee stated that it was bedding material used for shipping enclosures. When this open storage container of bedding was pointed out to the licensee, she moved it to an appropriate storage area. In the interior of the food and bedding storage building, there was a very large plastic bag of shredded paper also used for bedding in puppy and adult dog shipping enclosures. This bag had been left open or become torn and the bedding material was spilling out onto the floor. There were boxes and other unidentifiable items sitting on top of this very large open bag of paper. The licensee must store all open supplies of food and bedding in tightly sealed containers. This will prevent the potential for contamination of the bedding material by vermin or materials that may be toxic to the animals.

To be corrected by: 20 Mar 13

3.1 (f)

REPEAT

HOUSING FACILITIES, GENERAL.

(f) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks. Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures must be drained or

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Title:		Mar-14-2013



Inspection Report

mopped up so that the animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas must be leakproof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

Inside of the Indoor whelping facility there is a bucket of waste water and urine on a chair next to the enclosures, housing 3 dogs and 19 puppies. When questioned the licensee stated that it was there because the washdown section of these enclosures leaked.

On the outside section of building 1 (Bulldog building), affecting 10 dogs, there is an excessive accumulation of fecal and other waste material underneath the washdown and against the wall of the building. Some of this waste was dried and white appearing. The washdown is constructed in a manner that does not catch all of the fecal or other waste material and allows it to fall onto the ground underneath and against the building.

This accumulation of fecal and waste material poses a health risk to the animals. The licensee must ensure that all drainage systems are properly constructed, installed, and maintained to minimize vermin and pest infestation, insects, odors, and disease hazards.

This is a repeat non-compliant item.

3.2 (c)

INDOOR HOUSING FACILITIES.

(c) Lighting. Indoor housing facilities for dogs and cats must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the dogs and cats. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the dogs and cats from excessive light.

The licensee had 9 juvenile puppies and one adult dog housed in stacked caging in the first room of the whelping building. There was one set of lights attached to a ceiling fan in the room as well as a small amount of ambient light from the adjacent room. The enclosure housing the dogs and puppies was up against the far wall and away from the one light source and blocked from the ambient light by a wall. The enclosure was dark and the animals, especially those in the bottom enclosure, could not be easily visualized. The licensee must have additional lighting in this area. This additional light must provide sufficient illumination to allow for inspection, aid in good housekeeping and cleaning, and provide for the well-being of the animals. This light must be uniformly diffuse and provide a regular day/night cycle to provide for the health and well-being of the dogs and puppies.

To be corrected by: 14 Mar 13

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Received By:	(b)(6), (b)(7)(C)	Date:
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Inspection Report

3.3 (b)

SHELTERED HOUSING FACILITIES.

(b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 [deg]F (29.5 [deg]C) or higher.

Inside 2 of the sheltered buildings, whelping and Building 4, there is a very strong and prominent ammonia and fecal odor present. Upon entering the whelping building the inspector could not catch a deep breath. The licensee had a air purification system and a air filtering system running but the odor was still very strong. Inside building 4 there is a very strong musty fecal odor present. When questioned the licensee stated that the ventilation fans were not working. The ammonia odor can cause irritation to the dogs eyes and airway passages. The licensee needs to provide more ventilation in the facility to reduce the fecal, ammonia, and musty odors. The licensee must develop and maintain a program that will ensure proper ventilation is provided at all times.

To be corrected by: 15 Mar 13

3.6 (c) (1) (i) REPEAT

PRIMARY ENCLOSURES.

c) Additional requirements for dogs--(1) Space. (i) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

In two enclosures there is not sufficient floor space provided for the animals. The calculated floor space of the enclosures was measured at 30 in. x 36 in. = 7.5 sq. ft. In one enclosure there are 5 puppies. Each puppy was measured. 2 puppies measured 12 inches for a calculated floor space requirement of (12+6)(12+6)/144 = 2.25 sq. ft x 2 = 5.50 sq ft. 2 puppies measured at 10 inches for a calculated floor space requirement of (10+6)(10+6)/144 = 1.78 sq. ft. x 2 = 3.56 sq. ft. 1 puppy measured at 11 inches for a calculated floor space requirement of (11+6)(11+6)/144 = 2.01 sq. ft. The total combined required floor space of these 5 puppies is 10.07 sq. ft. This enclosure is not large enough for all of the puppies.

In the second enclosure there were 4 puppies. Each puppy was measured. 2 puppies measured 12 inches for a calculated floor space of (12+6)(12+6)/144 = 2.25 sq. ft x 2 = 5.50 sq ft. 2 puppies were measured at 13 inches for a calculated floor space of (13+6)(13+6)/144 = 2.51 x 2 = 5.02 sq. ft. The total combined required floor space of these 4 puppies is 9.52 sq. ft. This enclosure is not large enough for all of the puppies. Adequate floor space is required in order to ensure that the animals can make normal postural adjustments and for their health and well-being. The licensee must provide all animals with adequate floor space at all times.

Prepared By:	STEPHANIE OSBORNE, A C I	
	STEPHANIE L OSBORNE, A C I USDA, APHIS, Animal Care	Date:
	Title: ANIMAL CARE INSPECTOR Inspector 5054	Mar-14-2013
Received By:	(b) (6), (b) (7) (c)	
		Date:
	Title:	Mar-14-2013



Inspection Report

This is a repeat non-compliant item.

**3.11 (a) REPEAT
CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

(a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, insects, pests, and odors.

Inside of the indoor whelping building there are 2 enclosures, housing 4 English Bulldog puppies, that had an accumulation of fecal material smashed and smeared on the solid resting surface, the amount of fecal material in these two enclosures made it difficult for the puppies to avoid stepping in it. The walls of one of these enclosures, housing 2 of the English Bulldog puppies, had fecal material smeared on them. Excreta must be removed from primary enclosures daily in order to protect the health and well-being of the animals. The licensee must remove the accumulated fecal material from these enclosures and ensure that all excreta and food waste is removed daily from primary enclosures to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

Inside of the whelping facility, and the inside section of the sheltered facility (Building 3), the underneath section of the floor had an accumulation of hanging hair, fecal material, dirt and grime. Underneath the washdown of the outside section and up next to the building of the Bulldog building there is a large accumulation of fecal material. This build up increases the risk of disease hazards, pests and odors. The licensee must ensure that the areas under primary enclosures are cleaned as often as necessary to prevent an accumulation of feces and food waste and to reduce disease hazards. This affects 59 dogs and 19 puppies.
This is a repeat non-compliant item

**3.11 (c) REPEAT
CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.**

(c) Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I ANIMAL CARE INSPECTOR	USDA, APHIS, Animal Care Inspector 5054
		Date: Mar-14-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Mar-14-2013



Inspection Report

Underneath the outdoor section of the sheltered facility, Bldg 4, there is an accumulation of miscellaneous items such as a ladder, pvc pipes, steel posts and other items. The old grass is tall and tangled as well. This could become a breeding area for pests and rodents and does not facilitate the cleaning of the premises. The licensee must clean these areas and ensure that the premise is kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

This is a repeat non-compliant item

Inspection was conducted with licensee, ACI Stephanie Osborne, and CS Jan Feldman. An exit interview was conducted with the licensee on 14 Mar 13 and ACI Stephanie Osborne, and CS Jan Feldman.

Prepared By:	STEPHANIE OSBORNE, A C I	
Title:	STEPHANIE L OSBORNE, A C I ANIMAL CARE INSPECTOR	USDA, APHIS, Animal Care Inspector 5054
Date:		Mar-14-2013
Received By:	(b) (6), (b) (7) (c)	
Title:		Date: Mar-14-2013



Inspection Report

JEFFREY GRAY
JUDY GRAY

Customer ID: 24609
Certificate: 43-A-4052
Site: 001
JEFFREY & JUDY GRAY

107 SOUTH STREET

ROTHVILLE, MO 64676

Type: ATTEMPTED INSPECTION
Date: Feb-20-2013

2.126 (b)

ACCESS AND INSPECTION OF RECORDS AND PROPERTY.

Section 2.126(b) - Access and inspection of records and property: A responsible adult shall be made available to accompany APHIS officials during the inspection process.

A responsible adult was not available to accompany APHIS Officials during the inspection process at 10:30 A.M. on 02/20/2013.

Prepared By:	ERIKA LEISNER, D.V.M.	
	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care	Date:
Title:	VETERINARY MEDICAL OFFICER Inspector 6037	Feb-20-2013
Received By:	(b)(6), (b)(7)(c)	
		Date:
Title:		Feb-20-2013

Judy & Jeffrey Gray
Rothville, MO
43-A-4052

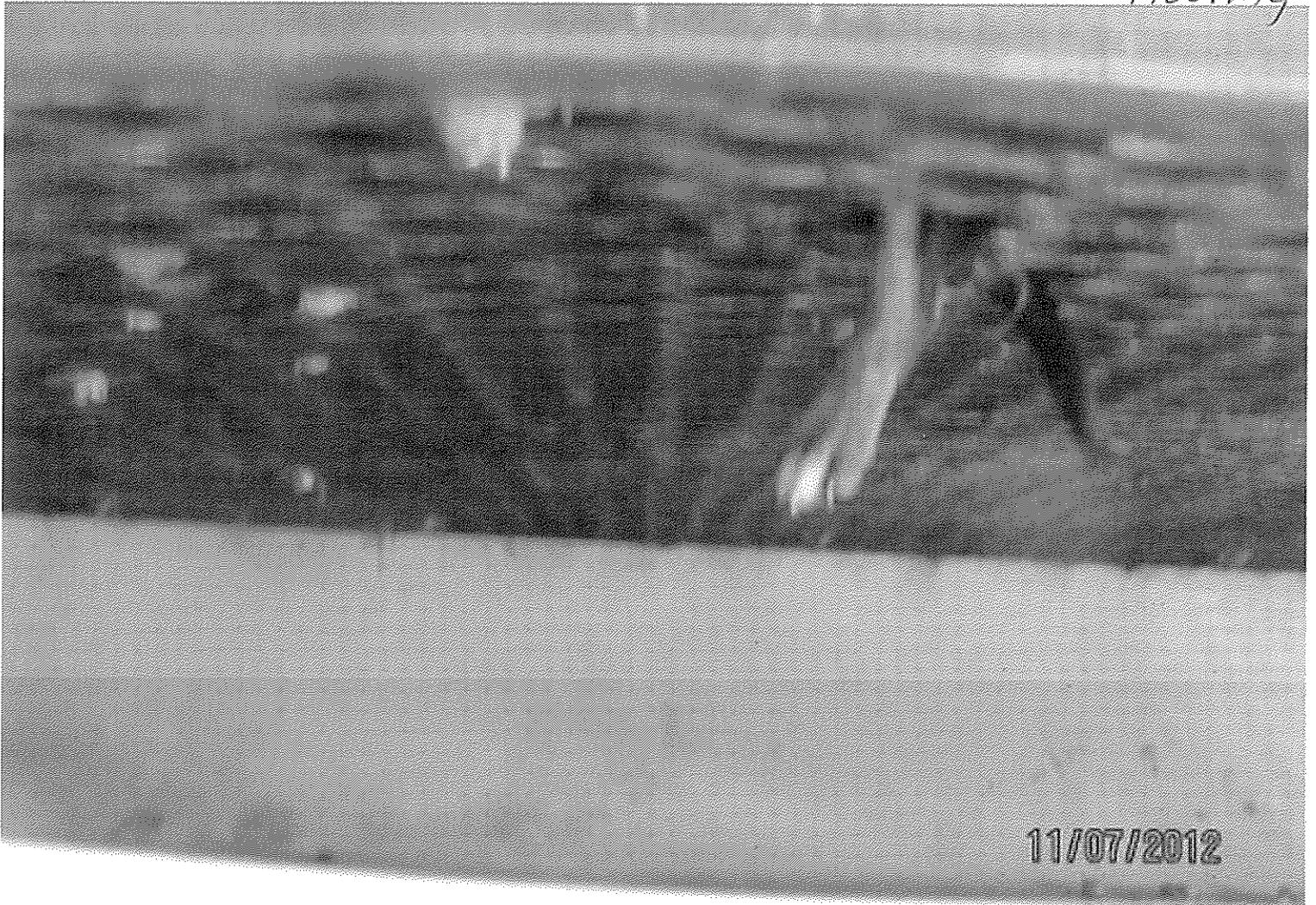
2.40 - Veterinary Care - infected gums and teeth, dental disease



Gray

Judy and Jeffrey Gray
Rothville, MO
43-A-4052

3.6 - Primary enclosures (a)(2)(x) - feet falling through
flooding

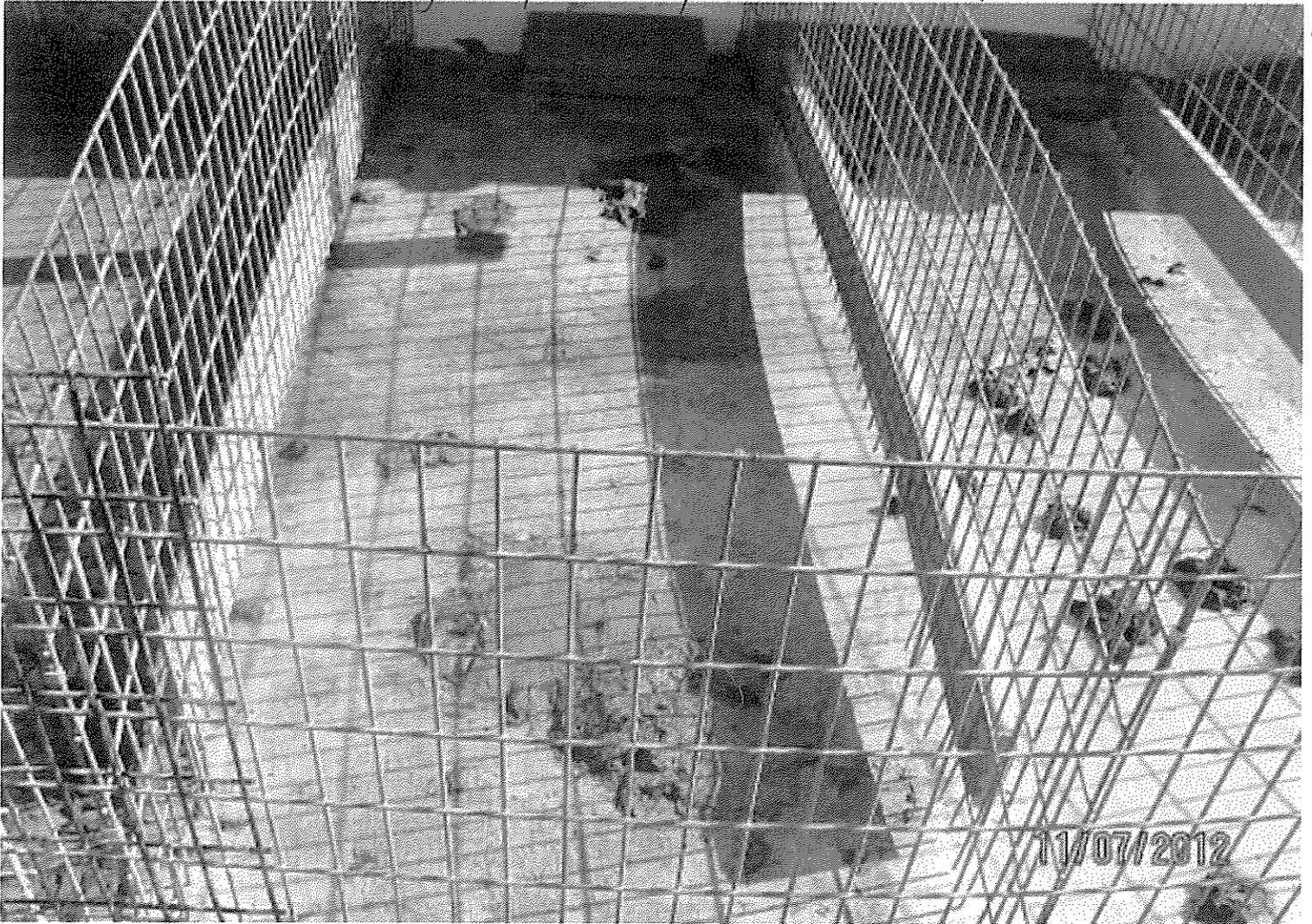


11/07/2012

Gray

Judy & Jeffrey Gray
Rothville, MO
43-A-4052

3.11 (a) Cleaning of primary enclosures - fecal accumulation



Gray

CAPS Responds to PIJAC's Misleading Claims

The Companion Animal Protection Society (CAPS) is advised that the Pet Industry Joint Advisory Council (PIJAC), a trade organization that has followed us around the country attempting to prevent retail pet store reform in order to economically benefit Puppy Mills, has made several specious and misleading statements concerning Int. No. 55 on their website. In response, CAPS points out some facts:

- PIJAC would have you believe you have a legal and ethical “right” to purchase a puppy mill dog or cattery kitten. Thanks to the NYS “Home Rule” law, NYC can choose to prevent the sale of puppy mill dogs and their inherent component of abuse and inhumane treatment. PIJAC ironically refers to as dogs from USDA registered commercial breeders, Puppy Mills, as “the happy, healthy kittens or purebred puppies”.
- PIJAC waives the “false flag” of inadequate USDA APHIS inspection of puppy mills to claim that the dogs and cats sold in NYC pet stores are animal welfare approved! In fact CAPS submission (Exhibit A) documents *hundreds* of violations of the Animal Welfare Act at puppy mills supplying baby pets directly to NYC pet stores. In fact the USDA has only about 125 inspectors for approximately 4,000 commercial dog breeders and brokers and thousands of other facilities, such as breeders for research, research facilities, exhibitors, circuses and other animal entertainment industries across the country. Inhumane conditions are the norm and animal welfare is an afterthought.
- PIJAC then reverses itself and refers to the USDA violators as “larger, thoroughly regulated breeders” and “breeders who have received ANY inspection violations from the USDA in the past 12 months—including indirect violations which are mostly administrative in nature.” PIJAC cannot have it both ways: violations are the hallmark of abuse and PIJAC cannot pretend New Yorkers are stupid enough to believe otherwise.
- PIJAC claims that Int. No. 55 “removes consumer protections that only pet stores provide,” which is disinformation. CAPS has documented numerous acts of “false and misleading” sales practices under NY Gen. Bus. Law Sec. 753-b and 753-c at NYC retail pet stores. Removing puppy mill dogs from pet stores in favor of humane sourcing is the only way to guarantee consumer protection.
- PIJAC falsely claims that “city residents must then choose from other sources that are not regulated, like rogue Internet sites, to find the best pet for their family.” In fact, the same USDA regulations which apply to retail pet stores also apply to internet sites! Therefore, all Puppy Mills are all essentially barely regulated and inhumane commercial factories.
- The current version of the bill would not limit the availability of purebreds – itself noting more than a moneymaking scam by the American Kennel Club and other breed registration and trade organizations – but would ensure that purebreds are humanely sourced from rescue organizations and the very few reputable breeders who sell at retail.

- PIJAC's claim that consumer protection is something only pet stores provide is absurd. What PIJAC should say is: getting fleeced while paying for cruelty is something only pet stores provide.
- PIJAC's claim that "the quality of care these pets receive DOES NOT coincide with the number of animals at a breeding facility" is laughable. Commercial facilities mass producing your best friend for the next 15 years are no substitute for the warm nurturing of a loving home. CAPS has seen overcrowded puppy mills produce puppies with shocking neglect, disease, abuse, and severe behavioral problems. Local pet stores care only about selling the trendiest designer hybrid dogs at the lowest price point for the highest markup.



THE HUMANE SOCIETY
OF THE UNITED STATES

HSUS Investigates: New York Puppy Stores

November 2011

Summary

In response to concerns about the sources of puppies in New York pet stores, HSUS investigators conducted a hidden-camera investigation of 11 New York pet stores, visited many of their puppy suppliers, and studied interstate puppy shipping documents for more than 100 New York pet stores in all. Our investigation concluded that, regardless of what pet stores' sales staff tell shoppers about their puppy sources, all of the stores investigated were buying from inhumane mass-breeding facilities known as puppy mills -- including some of the worst known puppy mills in Missouri and other top puppy mill states.

All 11 stores The HSUS visited in person had obtained puppies through large scale commercial breeders, even though most of the stores' websites or sales staff claimed they obtained puppies from "private" breeders, or said that puppies were kept in breeders' "own homes or in climate-controlled kennels with plenty of provision for fresh-air exercise." Although the salespeople's statements implied that they purchased from small-scale breeders, when HSUS investigators visited a number of the stores' sources in the Midwest, they found suppliers with hundreds of dogs confined to small cages. Many of these facilities were linked to serious federal Animal Welfare Act violations for issues such as sick and injured dogs who hadn't been treated by a vet, dogs without safe or adequate shelter, and dogs without adequate protection from extreme heat and cold.

Two of the pet stores investigators visited in person and seven of the stores studied through transport records were found purchasing from a facility owned by Brandi Cheney, identified last year by The HSUS as one of the worst puppy mills in Missouri. Cheney has been linked to two different puppy mills, which collectively have amassed more than 500 pages of Animal Welfare Act violations and enforcement records. This year, Cheney's



Although pet stores in NY claimed to get puppies only from "private breeders," our investigation found that many of their puppies come from large commercial puppy mills like this one. HSUS/2011

newest facility, Circle B Farms in Huntsville, MO, has accumulated state and federal animal welfare violations that include: a heat index of 116 degrees inside one of the kennel buildings, with dogs “panting at a rapid/steady rate,” a poodle with a swollen foot who could not bear weight on it, a cock-a-poo with hair so badly matted that it was pulling on her skin, and dogs obtained by the kennel without any proof of rabies vaccination.

Pet stores that purchased puppies from Brandi Cheney include: American Dog Club, Critter Comforts, Happy Tails, Pet Palace, Raising Rover & Baby, Tea Cup Pup, and Yipity Yap.

Some of the stores investigated through shipping documents (but none of the stores that were visited in person) were even found purchasing from Kathy Jo Bauck, aka Kathy Cole of New York Mills Minnesota, a convicted animal abuser. Bauck is one of the most notorious puppy mill operators in the country. Her license was permanently revoked by the USDA after she accumulated numerous pages of severe Animal Welfare Act violations for issues such as injured dogs with open and bleeding wounds who had not been treated by a vet, piles of accumulated feces, dogs with their fur smeared with feces, and puppies found shivering in the cold in temperatures as low as 12 degrees F.

In addition, Bauck/ Cole was ordered to stop performing her own surgeries on dogs without a veterinary license in 2006, and convicted of animal cruelty and torture in 2009. **Pet stores that purchased puppies from Kathy Bauck/ Kathy Cole include the New York Kennel Club (aka Island Puppies) and Zoo-Rama Pets and Aquarium. We also found an online retailer (Your Puppy Love) and businesses called Puppy Harmony and Canine Culture Center each purchasing dozens of puppies from Bauck/Cole.** The sellers purchased puppies from this unlicensed, convicted animal abuser between June and August of this year.

By the numbers:

- **11 = New York City pet stores visited in person with hidden camera.** Undercover investigators asked typical consumer questions about the sources of puppies and received misleading replies. The first investigation was performed in June 2011 by an HSUS investigator, along with actor/ advocate Lorenzo Borghese. The second part of the investigation was filmed in August 2011 by HSUS investigators after interstate transport documents had been received and reviewed.
- **100+ = Number of NY puppy stores studied** through interstate shipping documents that were found buying from large-scale commercial breeders in some of the top puppy mill states (AR, IA, KS, OK, MN and MO).
- **1,300 = Shipments of puppies to NY pet stores studied** by The HSUS in a 4-month period in 2011.
- **4,500 = Individual puppies shipped to NY pet stores from a sampling of top puppy mill states** during a 4-month period.

Stores visited with undercover camera:

1. **American Kennels** – 798 Lexington Ave. – refused to give breeder info; linked to puppy sources with problematic USDA reports, including Ruth Zuspahn/ Zuspahn’s Kennel in MO (see HSUS’s Dirty Dozen report update). <http://www.americankennels.com/>
2. **Le Petit Puppy** – 18 Christopher St. – gave one breeder name; linked to suppliers with problematic USDA reports. <http://lepetitpuppynyc.com/>

3. **Citipups** – 45 Christopher St. – gave breeder names and falsely stated that puppy miller/broker Sandra Blake has “wide-open spaces” for her dogs. Linked to puppy sources with problematic USDA reports, including Ruth Zuspahn/ Zuspahn’s Kennel in MO (see HSUS’s Dirty Dozen report update). <http://www.citipups.com/> .
4. **Metro Puppy** – 103-23 Metropolitan Ave., Forest Hills – owner told the “shopper” that “legislation shut all that [puppy mills] down long ago.” [no website]
5. **Raising Rover & Baby** – 1428 Lexington Ave. – avoided questions about breeders; review of health certificates and USDA reports show they use some of the worst puppy mills, including Brandi Cheney. <http://www.raisingroverltd.com/>. Reportedly under new ownership since June 2011.
6. **Pets on Lex** – 1109 Lexington Ave. – info on breeders obtained from health certificates; bad USDA reports. <http://petsonlex.com/>
7. **Puppy City** – 2539 Ocean Ave., Brooklyn – info on one breeder obtained from salesman; bad USDA reports on suppliers (see Lone Sycamore Kennels and others). <http://www.pupcityny.com/>
8. **Puppy Petite** [formerly Puppy Boutique]– 8002 17th Ave., Brooklyn – gave one breeder name – “It’s not a puppy mill or anything like that – we only work with private breeders”; linked to MO broker that buys from numerous kennels with bad USDA reports. <http://www.puppypetite.com/>
9. **Yipity Yap** – 1802 East Jericho Turnpike, Huntington, NY, L.I. – refused to give breeder info – “I have nothing to hide” said the salesman 3 times as he refused to give breeder info; the store has purchased more than a dozen puppies from Brandi Cheney this year. www.yipityyap.com
10. **Vanity Pups** – 38-13 Bell Blvd., Bayside, NY – gave one breeder name after telling the “shopper” that the humane society tells everyone that all puppies are from mills because “they want the money.” Bad USDA reports for suppliers, one of which is Lourance in Oklahoma, who has some of the worst USDA reports The HSUS has seen. www.vanitypups.com
11. **A World of Pups** – 540 86th St., Brooklyn – The HSUS has received more consumer complaints about sick puppies purchased from this store than any of the stores investigated; problematic USDA reports for many of the puppy mills it uses. www.awop.com

Conclusion

All of the stores HSUS visited in person and many of 100 stores studied through the use of transport documents were found to be purchasing from commercial puppy producers with known Animal Welfare Act violations, including some with citations for filthy conditions, lack of adequate space, underweight animals, dogs found in the freezing cold or high heat without adequate weather protection, or sick or injured dogs in need of veterinary care.

This report proves once again that claims made by pet stores’ websites and sales people about their puppy sources cannot be taken at face value. The HSUS recommends that members of the public who wish to acquire a puppy adopt from an animal shelter or a respected breed rescue group instead of purchasing from a pet store. If choosing to buy instead of to adopt, purchase only from a responsible breeder and make sure to personally visit the facility where the puppy was born and raised.

For more on this story, see our video at www.humanesociety.org. For more information on puppy mills, go to www.humanesociety.org/pupmills.

For information on getting a puppy from a humane source, please visit www.humanesociety.org/puppy.

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, 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.

Good afternoon. My name is Chelsie Schadt, Lead Organizer of NYCLASS. We thank the Chairman and Health Committee for the opportunity to testify on Intro Numbers 136, 146 and 55.

NYCLASS is a animal advocacy organization that believes in the power of organizing and mobilizing the animal protection voting bloc to move humane legislation. Although we are mostly known for our work to ban the abusive horse carriage industry, over the past year we expanded the organization to many humane issues, including advocating for cracking down on pet stores and puppy mills. And we were thrilled to pass our first state law regarding puppy mills this year when Governor Cuomo signed the Pet Dealer Bill into law.

NYCLASS supports Intro. 136 if it is amended to include the following recommendations:

- Eliminate section 17-804 b which would exempt a pet from being sterilized if the said animal's veterinarian states that the sterilization should take place at a later date. It has not been made apparent if the veterinarian would be required to examine the pet prior to purchase.
- Amend the bill to mandate that puppies and kittens be sterilized when they are at least 8 weeks old and weigh at least 2 pounds. Presently, the animal is only required to be 8 weeks of age.
- Amend the bill to state that the mandatory sterilization age of rabbits is at least 4 months old. There are increased risks when a rabbit is sterilized at a younger age.

NYCLASS supports Intro No. 146 if it is amended to include the following recommendations:

- Amend the bill to clarify that the mandatory microchip registration by the pet store must be with a bona fide microchip registering company and that the usage instructions from the company be provided to the consumer.
- Amend the bill to increase the period of time in which the pet store must maintain the records of the microchipping to more than the 5 years presently in the bill.

Of course we would love to see the day when pet stores don't sell any animals. But we're thrilled that the City Council now has the opportunity to crack down on the source of pet store dogs and cats via Intro 55. In it's current form, the bill must be strengthened to do more to protect both consumer and animals from the abusive, unscrupulous practices of puppy mills. We have unique opportunity to regulate pet sellers in a meaningful way, but we need the City Council to work closely with experts on puppy mills such as ASPCA, HSUS and Mayor's Alliance, in order to put forward the strongest bill possible.

Last, we encourage the City Council to listen to their heart, stand strong and don't let PIJAC and AKC influence you -- they have money on their minds, not the welfare of the animals. They oppose even the most basic standards of care. They are the reason that NYC is the final stop of the puppy mill pipeline. They are the reason that our city's shelters are bursting at the seams. Please don't be swayed by them. Your constituents, human and non-human, will thank you.

Thank you for helping to create a more humane NYC for all residents, two legged and four legged.

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April 28, 2014

The Honorable Corey Johnson

Via Email - District3@council.nyc.gov

RE: Oppose Introductory No. 136

Dear Council Member Corey Johnson:

I am writing you today because I am a New York City resident concerned about Introductory No. 136, a measure that would require all dogs at least 8 weeks of age to be sterilized prior to sale. As a constituent and a responsible dog owner and breeder, I oppose this legislation.

I have lived in this city with German Shorthaired Pointers for over twenty years. During that entire time my dogs have been shown in AKC Conformation and participated in AKC Obedience and Companion events. My dogs also participate in American Field events. My dogs have won many Championships, titles in Obedience, Agility and Field Events. My dogs participate in the Westminster Kennel Club Show at Madison Square Garden. None of this could be done with a neutered dog.

I travel to dog events throughout the country, but especially in the metropolitan area. I spend in excess of \$30,000 per year training, showing and running my dogs in AKC and American Field events. None of this would be done with a neutered dog.

I have bred three litters. All of my dogs go through very elaborate health and genetic testing prior to breeding. All of my litters have been produced by surgical implanting. A litter costs me approximately \$3,000 in veterinarian fees to produce. I have contact with everyone that has ever acquired a puppy from me. My litters have produced Champions and titles in almost every discipline open to German Shorthaired Pointers. None of this could be done with a neutered dog.

Mandatory spay/neuter is an ineffective solution to animal control problems because it fails to address the heart of the issue—irresponsible ownership. Mandatory spay/neuter laws are extremely difficult to enforce and can be evaded by irresponsible animal owners who will not license their pets. However, it hurts responsible breeders and owners like me – the very ones we should be encouraging

Responsible owners and breeders who are already complying with local animal control laws will be unfairly punished by this measure, while irresponsible owners will continue to make problems for the community and local shelters. Concentrating animal control and educational efforts on irresponsible owners whose behavior demonstrates that they are a problem for the community would be a much better use of taxpayer funds.

I respectfully ask that you support responsible owners and breeders by opposing Introductory No. 136.

Sincerely,

Jeffrey Drogin

Hearing before the New York City Council's Committee on Health

April 30, 2014

My name is Jane Hoffman.

I would like to thank Chairman Johnson, Council Member Crowley and members of the Health Committee, for holding a hearing on Int. Nos. 55, all local laws to amend chapter 8 of title 17 of administrative code of the city of New York and for the opportunity to submit testimony.

I would also like to thank the Council for acting so quickly after Governor Cuomo signed into law in January of this year a bill allowing municipalities throughout New York to enact local laws regulating pet stores within their jurisdictions.

My testimony is based on working in the areas of animal welfare for the past 25 years specifically on reducing the euthanasia of cats and dogs at Animal Care and Control of NYC and on research and investigation done by ASPCA and other humane organizations.

I am one of the Founding members of the NYC Bar Association Animal Law Committee and the President of the Mayor's Alliance for NYC's Animals. However, I am not testifying on behalf of either of those organizations. Both of those organizations have already submitted testimony to the Committee.

I believe it would be useful to review who the players are in this area and who gains monetarily by providing puppies for sale in NYC and how those sales impact consumers and taxpayers and animal welfare in NYC.

The two largest brokers are the Hunte Corporation and Mid America Pet.

Listed out in order of market movement of these puppies, the players are:

1. Breeder
2. Broker
3. Pet store
4. Consumer
5. Shelter or rescue group (if dog ends up in a shelter or with a rescue group)
6. Adopter (if adopted from a shelter or rescue group)

However, if the purchase of an animal happens online or direct from breeder, then the broker and pet store are cut out of that chain.

There are bigger and smaller breeders. Better and worse. Hobby v commercial. Responsible breeders v puppy mill.

The Hunte Corporation is a broker, or middleman, who buys puppies from breeders and distributes them all over the US. The model is not unique. There are other brokers, but the Hunte Corporation is the largest. The second largest was Lambriar Inc. for many years but they closed their doors about 2 years ago. Now Mid America Pet is the closest rival to the Hunte Corporation.

The Hunte Corporation, based in Goodman, Missouri, is the largest commercial puppy broker that transports puppies across North America (and internationally) for the pet trade; in fact, it is one the largest dealers of puppies in the world.^[1] As proclaimed on the Hunte Corporation's website, the corporation "routinely offers over one hundred breeds to pet retailers," which begins to shine a light on just how many dogs the Hunte Corporation is brokering.^[2] The Hunte Corporation does not disclose where these puppies are coming from, who is breeding them, or what kind of conditions they endure. In essence, the Hunte Corporation acts as a middleman between the large-scale commercial breeders (aka: puppy mills) and pet stores.

The ASPCA estimates that the Hunte Corporation moves over 70,000 puppies in interstate commerce annually. Import and export records indicate that Hunte Corporation has a long history of obtaining dogs from unscrupulous, inhumane puppy mills who regularly fail to meet even the most basic federal standards that exist. The records also indicate that Hunte Corporation may not be performing adequate veterinary checks on its puppies prior to shipping them to pet stores around the nation.

^[1] "[Hunte] is the largest puppy dealer in the world, with sales in the United States, Argentina, Chile, Mexico, Panama, Puerto Rico, Spain, and Japan." http://www.sourcewatch.org/index.php?title=Hunte_Corporation

^[2] <http://www.thehuntecoperation.com/breeds.html>

The Hunte Corporation and businesses are able to conceal the source of animals from NYC consumers and pet stores and regulators.

The only reliable way to track the movement of puppies in interstate commerce is through import and export records, known as certificates of veterinary inspection. Every dog moving in commerce has to have one. Many states require that they be filed with a state agency for dogs entering the state. When puppies are brought into a state to be sold at a pet store, the name on the documentation is the Hunte Corporation, since the Hunte Corporation is the importer. The original source of the dog is nowhere on the paperwork and usually doesn't have to be given to a consumer until the time of sale. In NYC consumers can request info prior to sale but most don't know to ask for it. For advocates, it doesn't do much good since we are not prospective consumers. In order to learn where the puppies in pet stores are coming from in a big picture way, extensive FOIA and research have to be done, and even then, we often hit a brick wall at the Hunte Corporation.

The Hunte Corporation consistently buying from substandard and inhumane breeders who might otherwise not be able to get their puppies to market. Many such breeders are therefore reliant on the Hunte Corporation to get their puppies to pet stores.

The Hunte Corporation and businesses like it obtain their animals from large scale, commercial breeders that are USDA licensed, i.e. entities commonly known as puppy mills. These are facilities whose primary goal is profit, not animal welfare.

The Hunte Corporation claims their animals come from these USDA breeders and also claims that obtain puppies from hobby breeders.

It is important to note the fact that an animal comes through a broker like the Hunte Corporation does not mean anything about the quality of the breeding facility the puppy came from.

It simply means that the breeder has at least 4 breeding female dogs and that they sell dogs either to brokers or pet stores, or directly to the public sight unseen. None of these are actions that we would consider "responsible" by a breeder.

USDA standards under the Federal Animal Welfare Act (AWA) are so minimal that dogs can legally be kept in deplorable conditions, i.e. In wire bottom cages no more than 6 inches longer than the dog in each direction, stacked on top of each other, for their entire lives. Female breeding dogs can legally be bred at every single heat cycle and killed when they are no longer able to reproduce. These are all common practices by the commercial breeding industry. The breeders who sell through the Hunte Corporation are no exception.

Therefore, in the opinion of many animal welfare organizations the sale of animals obtained from the Hunte Corporation and brokers like them should be prohibited outright.

With respect to the claim that brokers like the Hunte Corporation obtain puppies from hobby breeders ... I find that hard to believe or reconcile with the claim made by hobby or responsible breeders that they would never sell their puppies to pet stores to be sold.

So how many animals come into the NYC each year from the Hunte Corporation?

Using among other things import records, the ASPCA has done extensive research on how many puppies come into NYC from the Hunte Corporation.

The ASPCA believes, based on that research that 1,200 puppies from the Hunte Corporation who end up in NYC annually.

It is important to note that the exact number cannot be obtained because the NYS Department of Agriculture and Markets only keeps import records on dogs coming into the state going back 3 months.

The rest of the puppies who end up in NYC pet stores are coming from other brokers or directly from breeders. The second largest broker is called Mid-America Pet.

According to nopetstorepuppies.com there are 73 pet stores that sell puppies in NYC.

Those pet stores by the way are the pet stores that sell puppies. If a pet store does not sell other animals, NYC DOHMH doesn't have jurisdiction over them and therefore they are not subject to NYC DOHMH permitting.

It is important to note that the supply of animals coming from large commercial breeders and distributors like the Hunte Corporation effects the demand for shelter and rescue adoptions because every dog that is purchased in a pet store may very well be another that does not get adopted from a shelter or rescue group. And since there are many breed specific rescue groups consumers do have a choice to adopt not buy.

In addition, the supply of puppies coming from large commercial breeders and distributors like the Hunte Corporation burdens the shelter and rescue system with costs including but not limited to personnel, boarding, veterinary care, euthanasia, etc.

When consumers unknowingly buy a sick puppy or one with significant behavioral problems, they sometimes relinquish those dogs to the shelters rather than pay extensive veterinary bills. The ASPCA conducted a poll that indicated that puppies from puppy mills are more likely to need veterinary care than dogs adopted from shelters.

Since NYC taxpayer dollars go to support Animal Care and Control this ultimately has an effect on NYC residents.

Finally, pet shops even if well intentioned cannot rely on brokers to verify the practices of a breeder.

The only way to verify whether a breeder treats his or her dogs humanely is to visit the breeding facility in person and see where the breeding dogs are kept. The Hunte Corporation ships an estimated 70,000 puppies in interstate commerce annually. They have an extensive history of buying puppies from breeders who fail to meet even the most basic federal requirements.

It is therefore unrealistic to rely on brokers to verify the practices of their breeders. The Hunte Corporation and other brokers have a strong financial incentive to sell as many puppies as possible and to disclose as little information as possible about its sources.

While there is no hard data on how often puppies and dogs with AKC papers are abandoned, in my experience puppies sold in pet stores do end up at Animal Care and Control of NYC, other shelters and animal rescue groups

(especially the breed specific groups) usually with health issues.

And since so many puppies sold in NYC pet stores are supplied by the Hunte Corporation, it seems likely that many of these puppies and dogs who end up at animal shelters and rescue groups come from the Hunte Corporation.

It is interesting to note that in 2013 Animal Care and Control of NYC euthanized 2,601 dogs. Who knows what impact bringing at least 1,200 puppies from the Hunte Corporation had?

The American Kennel Club (AKC) and pet registration organizations play a role in these pet store sales of puppies from puppy mills.

AKC certification means nothing other than that the dog is a purebred. Such certification or registration does not speak to the dog's quality or the conditions in which the dog was raised in any way.

Other breed registries like APRI, ACA and the like are even more meaningless. They are for profit registries that cropped up in the 1990s when breeders boycotted AKC. At that time and to their credit, the AKC tried to implement and enforce care and conditions standards on breeders. Breeders boycotted, other registries came into existence, and sadly the AKC began courting back the business of high volume breeders.

So today the AKC registers thousands of puppy mill puppies. Litter registration fees are the AKC's primary source of revenue, so the more puppies, the more money the AKC gets.

AKC "papers" of puppies sold in pet stores in effect conceal or obscure the source of a puppy since they tend to give consumers a false sense of security that the puppy came from a humane background, when in fact, all it means is that the dog is a purebred.

Consumers are often confused about the difference between a dog from an AKC breeder who produces show dogs who compete in shows such as the Westminster Dog Show and a dog with AKC papers they bought in a pet store who came from a commercial breeder.

Any dog can be AKC registered if its parents are registered purebreds. That is the one and only qualification. To be a champion, a dog has to be shown at sanctioned dog shows and subjected to rigorous judging by experienced dog show judges.

Buying a puppy in a pet store with papers does not mean the puppy was sourced from a humane breeder or that the puppy is going to be a champion show dog.

In closing I want to share a statement from a Mayor's Alliance for NYC's Animals Alliance Participating Organization and a breed rescue group. This statement illustrates the financial cost, the emotional toll and the sadness caused by corporations that breed dogs for profit and not for the good of the breed.

Long Island Bulldog Rescue has been rescuing English Bulldogs since 1999.

That first year we took in 13 dogs, most of these were from reputable breeders, a few were from new puppy stores. Most were situations where people's lives had changed and they could not care for their animal. The Bulldog was # 46 in AKC registrations nationwide.

In 2013, 15 years later, we rescued 347 English Bulldogs. The English Bulldog is # 5 in AKC registrations nationwide, and #4 in NYC.

3 of the dogs we rescued in 2013 were from reputable breeders

Approximately 90% of our dogs are owner surrenders; most of the time we know where they come from. The NYC dogs we take in usually come from stores like American Kennels, Zoorama, a variety of shady operators in Brooklyn, Queens, Bronx and Staten Island. Some come from a growing number of puppy mills in NY State where the Amish are moving in with their puppy mills, or from Iowa to Missouri and Pennsylvania, South America and the Ukraine. These dogs are sold on very attractive, deceptive web sites, pictures of parents often stolen from the web.

What is wrong with this? English Bulldogs are difficult to breed when you are breeding for the betterment of the breed, it is impossible to breed healthy English Bulldogs with sound minds randomly, and for profit.

Much is written about the horrors of puppy mills,

Here is what can happen when that puppy goes home from the pet store.

A cough is always a worry with a pup ...it is usually kennel cough. A trip to the vet, the pup gets antibiotics, the store will not refund for kennel cough calling it "normal". The pup continues to cough. More antibiotics, still the pup coughs. These are middle-income people who have just spent between \$2000. and \$4000. for a puppy that they believe is from "Champion" lines.

The pup is on his or her third vet. Finally the diagnoses, pup has an elongated soft palate (fixable for \$3000.) and a trachea the size of a straw (not fixable).

Should the pup survive the palate surgery, she will be at risk for aspiration pneumonia for the rest of her life, which will not be a normal span. The family is heartbroken, everyone is crying. They cannot afford this so the puppy goes to rescue.

This pup is 16 weeks old, just purchased in the Bronx. The storeowner claims this is normal for English Bulldogs. It is not. It isn't the breed, it's the for profit breeders.

This was a sadly ordinary story. The financial toll on families, animal shelters and animal rescue who foot the bill is staggering.

Last year Long Island Bulldog Rescue spent over \$270,000 on medical bills alone.

Some of the medical disorders that the dogs that are coming in with are:

Luxating Patella

Entropion

Severe allergies leading to profound ear infections, and endless treatments

Elongated palates

Heart murmurs

Pulmonary Stenosis

Mega esophagus

Mega colon

Hernias

Parvo

Severe hip dysplasia in very young dogs.

Severely ingrown tails requiring amputation.

Seizure disorder

Brain tumors

Immune disorders such as Lupus

Most of the 30 or so dogs we took from Animal Care and Control of NYC were suffering with skin issues, eye issues, and orthopedic or behavioral issues.

Along with the medical issues, are issues borne of lack of socialization. Pups are taken from their mother's way too young, and they miss important aspects of development such as learning to take correction. They are traumatized by transports that leave them scared for life and the lack of socialization makes them difficult to correct. In an independent breed capable of intense focus these dogs wind up with OCD, scared of sudden movement, lights etc. making them difficult to place, their families giving up on them.

All because for profit businesses bred the dogs to make money ... not for the good of the breed.

Thank you for taking on this important issue. It is crucial that NYC pet stores are regulated in such a way that puppies who are sold in NYC pet stores are sourced from humane breeders, that NYC consumers and taxpayers are protected and that a burden is not put on not for profit animal rescue groups and shelters engaged in charitable work that benefits NYC by these commercial entities.

From: Jane Hoffman <jehoffman@earthlink.net>
Re: Re: Clarification for the record

Jeff:

Yes that is what I meant to write.

Thanks for clarifying.

Jane

From: "Campagna, Jeffrey" <JCampagna@council.nyc.gov>
Date: Monday, May 5, 2014 4:45 PM
To: Jane Hoffman <jehoffman@earthlink.net>
Subject: Clarification for the record

Jane,

In connection with your testimony for the 4/30 hearing of the Committee on Health, I have a question. In your testimony you wrote:

The Hunte Corporation claims their animals come from these USDA breeders and also claims that obtain puppies from hobby breeders.

It is important to note the fact that an animal comes through a broker like the Hunte Corporation does not mean anything about the quality of the breeding facility the puppy came from.

It simply means that the breeder has at least 4 breeding female dogs and that they sell dogs either to brokers or pet stores, or directly to the public sight unseen. None of these are actions that we would consider "responsible" by a breeder.

For the record: When you wrote, "It is important to note the fact that an animal comes through a broker like the Hunte Corporation does not mean anything about

the quality of the breeding facility the puppy came from,” did you actually mean to write, “It is important to note the fact that an animal comes **from a USDA breeder** does not mean anything about the quality of the breeding facility the puppy came from.”?

Jeffrey H. Campagna

Legislative Counsel

Committees on Small Business and Higher Education

New York City Council

250 Broadway, 14th Floor

New York, NY 10007

Phone: (212) 227-4558



U.S. Department of Agriculture

Office of Inspector General



**Animal and Plant Health Inspection Service
Animal Care Program
Inspections of Problematic Dealers**

**Audit Report 33002-4-SF
May 2010**



U.S. Department of Agriculture
Office of Inspector General
Washington, D.C. 20250



DATE: May 14, 2010

REPLY TO
ATTN OF: 33002-4-SF

TO: Cindy J. Smith
Administrator
Animal and Plant Health Inspection Service

ATTN: Joanne Munno
Acting Deputy Administrator
Marketing and Regulatory Programs Business Services

FROM: Gil H. Harden /s/
Assistant Inspector General
for Audit

SUBJECT: APHIS Animal Care Program – Inspections of Problematic Dealers

This report presents the results of the subject review. Your written response to the official draft report is included at the end of the report. Excerpts from the response and the Office of Inspector General's (OIG) position are incorporated into the relevant sections of the report. Based on the information in your written response, we have accepted your management decision on Recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 and 14. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

Based on your written response, management decision has not been reached on Recommendations 4 and 11. The information needed to reach management decision on these recommendations is set forth in the OIG Position section after each recommendation. In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days providing the information requested in the OIG Position section. Please note that the regulation requires a management decision to be reached on all findings and recommendations within a maximum of 6 months from report issuance, and final action to be taken within 1 year of each management decision.

We appreciate the courtesies and cooperation extended to us by members of your staff during the review.

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Animal Care Program – Inspections of Problematic Dealers

Executive Summary

In the last 2 years, there has been significant media coverage concerning large-scale dog dealers (i.e., breeders and brokers)¹ that failed to provide humane treatment for the animals under their care. The breeders, negatively referred to as “puppy mills,” have stirred the interest of the public, Congress, animal rights groups, and others. Accordingly, we conducted an audit of the Animal and Plant Health Inspection Service’s (APHIS) Animal Care (AC) unit, which is responsible for enforcing the Animal Welfare Act (AWA). The audit focused on AC’s inspections of problematic dealers. It is the latest in a series of audits related to AWA.²

In our last audit on animals in research facilities,³ we found that the agency was not aggressively pursuing enforcement actions against violators of AWA and that it assessed minimal monetary penalties against them.⁴ APHIS agreed to take corrective action by incorporating more specific guidance in its operating manual to address deficiencies in enforcement actions. It also agreed to revise its penalty worksheet to generate higher and more appropriate penalties.

In this audit, one objective was to review AC’s enforcement process against dealers that violated AWA. Accordingly, we focused on dealers with a history of violations in the past 3 years.⁵ Another objective was to review the impact of recent changes the agency made to the penalty assessment process. We identified the following major deficiencies with APHIS’ administration of AWA:

- *AC’s Enforcement Process Was Ineffective Against Problematic Dealers.* AC’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. The agency believed that compliance achieved through education⁶ and cooperation would result in long-term dealer compliance and, accordingly, it chose to take little or no enforcement action against most violators.

However, the agency’s education efforts have not always been successful in deterring problematic dealers from violating AWA. During FYs 2006-2008, at the re-inspection of 4,250 violators, inspectors found that 2,416 repeatedly violated AWA, including some that ignored minimum care standards. Therefore, relying heavily on education for serious or repeat violators—without an appropriate level of enforcement—weakened the agency’s ability to protect the animals.

- *AC Inspectors Did Not Cite or Document Violations Properly To Support Enforcement Actions.* Many inspectors were highly committed, conducting timely and thorough

¹ Breeders are those that breed and raise animals on the premises; brokers negotiate or arrange for the purchase, sale, or transport of animals in commerce.

² Refer to the Background section for more information on related prior audits.

³ Audit No. 33002-3-SF, “APHIS Animal Care Program Inspection and Enforcement Activities” (September 2005).

⁴ AWA refers to monetary penalties as civil penalties.

⁵ APHIS synonymously used the terms violations, alleged violations, and noncompliant items in its documents. For simplicity, we used the term violations in this report.

⁶ Education was generally provided through the inspectors’ interaction with dealers during routine inspections as well as periodic seminars.

inspections and making significant efforts to improve the humane treatment of covered animals. However, we noted that 6 of 19 inspectors⁷ did not correctly report all repeat or direct violations (those that are generally more serious and affect the animals' health). Consequently, some problematic dealers were inspected less frequently.

In addition, some inspectors did not always adequately describe violations in their inspection reports or support violations with photos. Between 2000 and 2009, this lack of documentary evidence weakened AC's case in 7 of the 16 administrative hearings involving dealers.⁸ In discussing these problems with regional management, they explained that some inspectors appeared to need additional training in identifying violations and collecting evidence.

- *APHIS' New Penalty Worksheet Calculated Minimal Penalties.* Although APHIS previously agreed to revise its penalty worksheet to produce "significantly higher" penalties for violators of AWA, the agency continued to assess minimal penalties that did not deter violators. This occurred because the new worksheet allowed reductions up to 145 percent of the maximum penalty. While we are not advocating that APHIS assess the maximum penalty, we found that at a time when Congress tripled the authorized maximum penalty to "strengthen fines for violations," the actual penalties were 20 percent less using the new worksheet as compared to the worksheet APHIS previously used.
- *APHIS Misused Guidelines to Lower Penalties for AWA Violators.* In completing penalty worksheets, APHIS misused its guidelines in 32 of the 94 cases we reviewed to lower the penalties for AWA violators. Specifically, it (1) inconsistently counted violations; (2) applied "good faith" reductions without merit; (3) allowed a "no history of violations" reduction when the violators had a prior history; and (4) arbitrarily changed the gravity of some violations and the business size. AC told us that it assessed lower penalties as an incentive to encourage violators to pay a stipulated amount rather than exercise their right to a hearing.
- *Some Large Breeders Circumvented AWA by Selling Animals Over the Internet.* Large breeders that sell AWA-covered animals over the Internet are exempt from AC's inspection and licensing requirements due to a loophole in AWA. As a result, an increasing number of these unlicensed breeders are not monitored for their animals' overall health and humane treatment.

Recommendation Summary

To ensure dealer compliance with AWA, AC should modify its *Dealer Inspection Guide* (Guide) to require enforcement action for direct and serious violations. We also recommend that "no action" be deleted as an enforcement action in the Guide.

⁷ In 2008, AC employed 99 inspectors. We accompanied 19 on their inspections of dealer facilities.

⁸ During this period, administrative law judges or the Department's Judicial Officer rendered decisions in 16 cases involving dealers. We reviewed all 16.

To increase the effectiveness of inspections, AC should provide more comprehensive training and detailed guidance to its inspectors and supervisors on direct and repeat violations, enforcement procedures, and evidentiary requirements (e.g., adequately describing violations).

To calculate more reasonable penalties, APHIS should limit total reductions on its penalty worksheet to less than 100 percent. We also recommend that the agency ensure its penalty guidelines are consistently followed and that it include instructions to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.

To prevent large breeders from circumventing AWA requirements, APHIS should propose that the Secretary seek legislative change to exclude these breeders from the definition of “retail pet store,” and require that all applicable breeders that sell through the Internet be regulated under AWA.

Agency Response

In its written response, dated April 23, 2010, APHIS concurred with the reported findings and recommendations. APHIS’ response is included at the end of this report.

OIG Position

We accept APHIS’ management decision on Recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 and 14. The actions needed to reach management decision on Recommendations 4 and 11 are provided in the OIG Position section after these recommendations.

Background & Objectives

Background

In 1966, Congress passed Public Law 89-544, known as the Laboratory Animal Welfare Act, to regulate the humane care and handling of dogs, cats, and other laboratory animals. The law was amended in 1970 (Public Law 91-579), changing the name to AWA. This amendment also authorized the Secretary of Agriculture to regulate other warm-blooded animals when used in research, exhibition, or the wholesale pet trade. Additional amendments to the law were passed in 1976, 1985, 1990, 2002, and 2008—each adding new regulated activities for warm-blooded animals.

APHIS' AC unit enforces AWA based on the policies established by the Secretary. AC is headquartered in Riverdale, Maryland and has regional offices in Raleigh, North Carolina and Fort Collins, Colorado. The agency employs 99 inspectors,⁹ who are dispersed throughout the country, to conduct inspections of all licensed and registered facilities covered under AWA and to follow up on complaints of abuse and noncompliance. In FY 2008, the inspectors conducted 15,722 inspections on licensed and registered facilities. In FY 2008, APHIS received an appropriation of \$874 million; AC's portion was \$21 million, as specified in the Consolidated Appropriations Act.

In the wholesale pet trade, there are two types of licensed dealers: breeders (those that breed and raise animals on the premises) and brokers (those that negotiate or arrange for the purchase, sale, or transport of animals in commerce). In FY 2008, there were 4,604 licensed breeders and 1,116 licensed brokers.

Before AC issues a license, it conducts a pre-licensing inspection because by law applicants must be in full compliance with AWA and regulations. After a license is issued, AC inspectors perform unannounced inspections at least biennially to ensure the facilities remain in compliance with AWA. If an inspector finds AWA violations, the dealer is given anywhere from a day to a year to fix the problems depending on their severity. During our site visits, the inspectors gave the dealers an average of 16 days to correct their violations.

After inspectors are hired, they receive 5-6 weeks initial training on animal care standards and inspections. Thereafter, they receive annual training in the form of national or regional conferences as well as meetings with their supervisors. To ensure the inspectors consistently apply their training, APHIS also developed field standards, i.e., the *Dealer Inspection Guide*. See table 1 for the number of inspections AC conducted during FYs 2006-2008.

⁹ In FY 2008.

Table 1: Inspections Conducted in FYs 2006-2008

	2006	2007	2008
No. of Inspectors	99	101	99
No. of Inspections*	17,978	16,542	15,722
Average Inspections Per Inspector	182	164	159
* These numbers include inspections on all licensees (i.e., dealers and exhibitors) and registrants (i.e., research facilities) under AWA.			

Since 1994, AC tracked the inspections through its Licensing and Registration Information System (LARIS). LARIS included a risk-based inspection system, which calculated the minimum number of inspections that were needed annually based on a continual risk assessment of each facility's violation history. However, both our 1995 and 2005 audits found that LARIS generated unreliable and inaccurate information.¹⁰ AC agreed with our conclusions and hired a contractor to develop a new system—Online Animal Care Information System (OACIS). Later, AC determined that the OACIS contractor was not meeting the program's requirements and terminated the contract. APHIS then contracted with another system developer to build the Animal Care Information System, which was implemented in March 2009.

ENFORCEMENT PROCESS

When a violation is identified during an inspection of a dealer's facility, AWA authorizes AC to take remedial action against the violator by assessing a fine, suspending or revoking the license, or pursuing criminal penalties.¹¹ Before taking these actions, AC also considers other enforcement options: no action, a letter of information (an informal warning letter), an official warning letter, and an investigation.¹²

Investigations are conducted by APHIS' Investigative and Enforcement Services unit, which carries out enforcement activities and provides support to all APHIS programs. An investigation may result in a stipulation, suspension or revocation of license, or confiscation of animals. A stipulation is an agreement between APHIS and the violator, where the violator can pay a reduced penalty by giving up his right to a formal administrative hearing. APHIS' Financial Management Division in Minneapolis is responsible for collecting the stipulations and monetary penalties.

Cases that warrant formal administrative action undergo Office of the General Counsel review for legal sufficiency prior to issuance of a formal administrative complaint before the U.S. Department of Agriculture's (Department) administrative law judges. If the case is appealed, a final decision is made by the Department's Judicial Officer. Formal actions may result in license suspensions or revocations, cease-and-desist orders, monetary penalties, or combinations of these penalties.

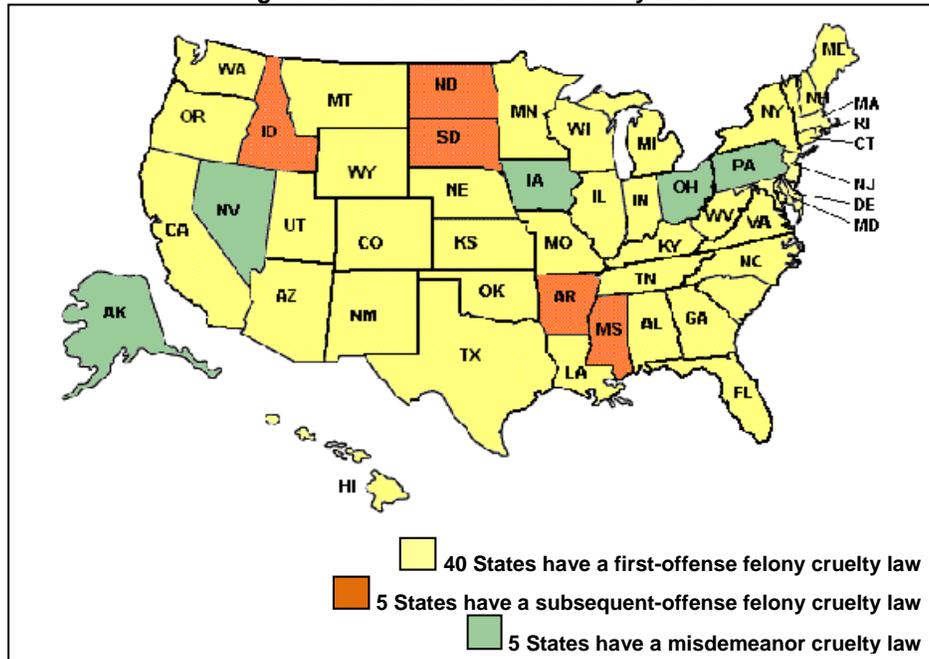
¹⁰ OIG Audit No. 33600-1-Ch, "Enforcement of the Animal Welfare Act" (January 1995) and Audit No. 33002-3-SF, "APHIS Animal Care Program Inspection and Enforcement Activities" (September 2005).

¹¹ 7 *United States Code* (U.S.C.) §2149 (January 3, 2007).

¹² *Dealer Inspection Guide*, ch. 9.3 (May 2002). In 2007, AC discontinued "letter of information" as an enforcement option.

AWA authorizes APHIS to cooperate with the States,¹³ all of which have animal cruelty laws. However, although AC established memoranda of understanding with a few States, it did not establish internal procedures to forward animal cruelty and abuse cases to the State officials. Generally, AC regional management relies on the inspectors' discretion to notify State and local officials because the inspectors may have established relationships with these officials. Figure 1 shows which States have first-offense, subsequent-offense, or misdemeanor cruelty laws.

Figure 1: States With Animal Cruelty Laws



RELATED PRIOR AUDITS

This audit is the latest in a series of audits related to AC's administration and enforcement of AWA. Three of these audits focused on dealers and research facilities:

In 1992, OIG conducted an audit on animal care and concluded that APHIS could not ensure the humane care and treatment of animals at all dealer facilities as required by AWA.¹⁴ APHIS did not inspect dealer facilities with reliable frequency, and it did not enforce timely correction of violations found during inspections. Moreover, APHIS did not timely penalize facilities found to be in violation of AWA.

In 1995, OIG conducted a follow-up audit and reported that APHIS did not fully address problems disclosed in the prior report.¹⁵ APHIS needed to take stronger enforcement actions to correct serious or repeat violations of AWA. Dealers and other facilities had little incentive to comply with AWA because monetary penalties were, in some cases, arbitrarily reduced and were often so low that violators regarded them as a cost of business.

¹³ 7 U.S.C. §2145(b) (January 3, 2007).

¹⁴ Audit No. 33002-1-Ch, "APHIS Implementation of the Animal Welfare Act" (March 1992).

¹⁵ Audit No. 33600-1-Ch, "APHIS Enforcement of the Animal Welfare Act" (January 1995).

In 2005, OIG conducted an audit on animals in research facilities and found that the agency was not aggressively pursuing enforcement actions against violators of AWA and that it assessed minimal monetary penalties against them.¹⁶ Inspectors believed the lack of enforcement action undermined their credibility and authority to enforce AWA. In addition to giving an automatic 75-percent “discount,” APHIS offered other concessions making the fines basically meaningless. Violators considered the monetary stipulation as a normal cost of business rather than a deterrent for violating the law.

Objectives

Our audit objectives were to (1) evaluate the adequacy of APHIS’ controls to ensure dealer compliance with AWA, (2) review the impact of recent changes to the penalty assessment process, and (3) evaluate AC’s new mission critical information system for reliability and integrity. Due to unexpected delays in implementing the new system, we were unable to complete the third objective.

¹⁶ Audit No. 33002-3-SF, “APHIS Animal Care Program Inspection and Enforcement Activities” (September 2005).

Section 1: Enforcement

Finding 1: AC's Enforcement Process Was Ineffective Against Problematic Dealers

During FYs 2006-2008, Animal Care's (AC) enforcement process was ineffective in achieving dealer compliance with the Animal Welfare Act (AWA) and regulations. This occurred because the agency believed that compliance achieved through education and cooperation would result in long-term dealer compliance. Accordingly, the agency chose to take little or no enforcement actions against violators. However, taking this position against serious or repeat violators weakened the agency's ability to protect the animals. As a result, 2,416 of 4,250 violators repeatedly violated AWA, including some that ignored minimum care standards, which are intended to ensure the humane care and treatment of animals.

AWA authorizes APHIS to take remedial action against AWA violators by assessing monetary penalties, suspending or revoking licenses, or pursuing criminal penalties.¹⁷ The *Dealer Inspection Guide* (Guide), AC's field standards, further elaborates on these enforcement actions.

AC administers AWA through the licensing and inspection of dealers (i.e., breeders and brokers). The enforcement process begins when violations¹⁸ are identified during an inspection of a dealer's facility. If AC decides to take enforcement action, it may refer the case to APHIS' Investigative and Enforcement Services (IES) unit. The resulting investigation can lead to a stipulation (an agreement between APHIS and the violator, where the violator can pay a reduced penalty by giving up his right to a formal administrative hearing), suspension or revocation of license, or confiscation of animals. However, AC may elect to take no action or a lesser action, such as a letter of information or an official warning.¹⁹

During the 3-year period, AC inspected 8,289 licensed dealers and found that 5,261 violated AWA (see exhibit C for the number and types of violations that occurred). At the re-inspection of 4,250 violators,²⁰ inspectors found that 2,416 repeatedly violated AWA, including 863 that continued to violate the same subsections.

To evaluate the adequacy of AC's controls over dealer compliance with AWA, we reviewed guidelines, management policies, the inspectors' practices, and enforcement actions against AWA violators. We identified four practices that demonstrate AC's leniency towards dealers that violate AWA:

- **No Enforcement Action for First-time Violators.** Typically, AC does not take enforcement action against first-time violators, even if the inspector identifies a direct violation (i.e., one that has a high potential for adversely affecting the health of an animal). The Guide states that inspectors "**may** recommend an enforcement action" for violations that are direct or serious, although the Guide does not define serious.²¹ Based

¹⁷ 7 U.S.C. §2149 (January 3, 2007).

¹⁸ APHIS synonymously used the terms violations, alleged violations, and noncompliant items in its documents. For simplicity, we used the term violations in this report.

¹⁹ *Dealer Inspection Guide*, ch. 9.3 (May 2002). In 2007, AC discontinued "letter of information" as an enforcement option.

²⁰ AC did not re-inspect 1,011 violators because some were not scheduled for re-inspection until FY 2009, while others were no longer licensed.

²¹ *Dealer Inspection Guide*, ch. 9.3 (May 2002).

on our observations and analysis, since inspectors were given the choice of not recommending an action, generally they did not.

- Inadequate Enforcement for Repeat Violators. The Guide states that inspectors “**must** recommend an enforcement action” for repeat violators; however, one of the choices is to take no action,²² which is what the inspectors did in 52 percent of the repeat violations we reviewed.

Also, AC narrowly defines a repeat violator as one that consecutively violates the same subsection of the animal welfare regulations. This means that on successive inspections a dealer can violate different sections of the regulations without being labeled a repeat violator and, therefore, the inspector is not required to recommend an enforcement action.

- Written Instructions Not Always Followed. In 2007, the national office provided instructions entitled, “Animal Care Enforcement Action Guidance for Inspection Reports,” to aid its inspectors in selecting enforcement actions. These instructions were never incorporated in AC’s Guide and, therefore, supervisors and regional management did not always ensure that the inspectors followed them. When instructions specified a stronger action, such as a stipulation or litigation, the inspectors were allowed to recommend a more lenient option.
- Delayed Confiscation. AWA allows APHIS to confiscate any animal found to be suffering as a result of a failure to comply with AWA.²³ APHIS added a provision requiring that the violator be given a final opportunity to take corrective action before confiscation can occur,²⁴ even in extreme cases where animals are dying or suffering.²⁵

To evaluate the effect of these practices, we selected 8 States and visited 50 breeders and 18 brokers (68 in total) that had been cited for at least one violation in their previous 3-year inspection history.²⁶ AC generally took little or no enforcement actions against these facilities during the period (see chart 1).

²² *Dealer Inspection Guide*, ch. 9.3 (May 2002).

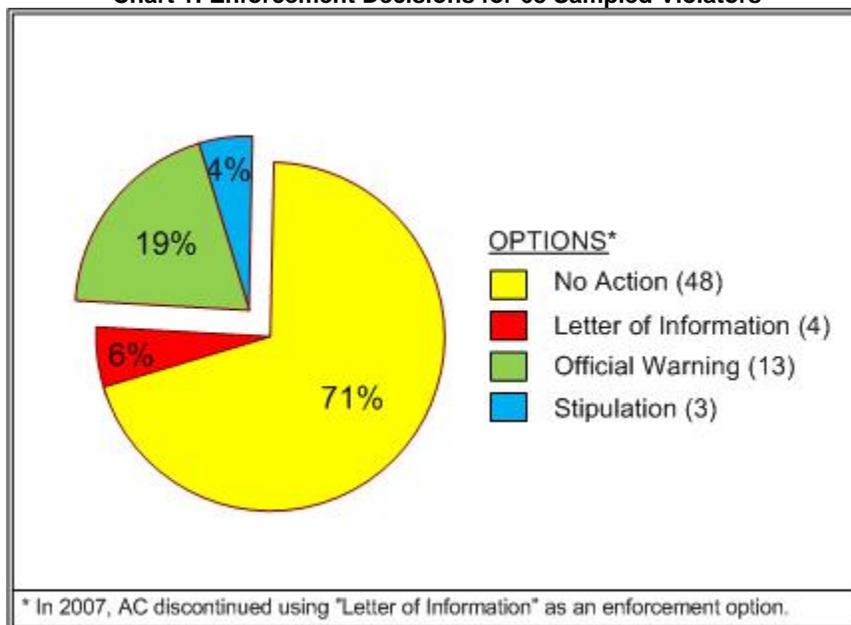
²³ 7 U.S.C. § 2146(a) (January 3, 2007).

²⁴ 9 *Code of Federal Regulations* (CFR) §2.129(a) (January 1, 2005) and *Dealer Inspection Guide*, ch. 8.6.1 (April 2000).

²⁵ AC defines suffering as “any condition that causes pain or distress . . . Examples [include]: animals with serious medical problems that are not receiving adequate veterinary care; animals without adequate food or water; animals exposed to temperature extremes without adequate shelter or bedding; and animals held in enclosures that are filthy. Animals do not need to be in jeopardy of dying to be in a state of suffering.” AC Policy No. 8 (May 8, 2001).

²⁶ We visited a total of 81 dealers in 8 States but 13 had no history of violations and, therefore, were not part of our sample for determining the effectiveness of AC’s enforcement process.

Chart 1: Enforcement Decisions for 68 Sampled Violators



The agency believed that compliance achieved through education and cooperation would result in long-term dealer compliance. Education was generally provided through the inspectors' interaction with dealers during routine inspections as well as periodic seminars. While we agree that teaching dealers the skills to properly care for their animals should improve the animals' health and wellbeing, the quality of the education depends on the inspectors' experience and skills. Also, the seminars were not mandated but attended voluntarily. One inspector told us the dealers that attended the canine care classes were often not the ones that needed them.

Expecting that the dealers would improve their standards of care, the agency chose to take little or no enforcement actions against most violators. However, education efforts have not always been successful in deterring problematic dealers from violating AWA. Although AC might decide on little or no actions when circumstances warrant, taking this position against serious or repeat violators weakened the agency's ability to ensure compliance with AWA.

During our visits, AC cited 20 of the 68 dealers for repeat violations (nearly 30 percent). The following examples demonstrate the agency's leniency towards violators, the ineffectiveness of its enforcement process, and the harmful effect they had on the animals. All of the examples below involve dealers that had a history of violations over at least three inspections before our visit. However, the agency took little or no enforcement actions against them. During our visit, we found 12 dealers (18 percent) with violations that had escalated to the serious or grave levels, which directly affected the animals' health. If AC had taken action earlier, it may have prevented the situation from worsening.

Example 1: At a facility in Oklahoma with 83 adult dogs, AC cited the breeder for a total of 20 violations (including 1 repeat and 1 direct) during 5 inspections from April 2006 to December 2007. The direct violation concerned the lack of adequate veterinary care for three dogs with

hair loss over their entire bodies and raw, irritated spots on their skin.²⁷ Despite the continuing violations, AC did not take enforcement actions due to its lenient practices against repeat violators.

During our visit to the facility in July 2008, AC cited the breeder for another 11 violations (including 1 repeat and 3 direct). One of the direct violations involved a dog that had been bitten by another dog. The first dog was left untreated for at least 7 days, which resulted in the flesh around the wound rotting away to the bone (see figure 2).

Figure 2: Live Dog With Mutilated Leg



The breeder admitted the dog had been in this condition for at least 7 days. The inspector correctly required the dog to be taken to a local veterinarian who immediately euthanized it.

AC did refer the case to IES for investigation, but only after another direct violation was documented in a subsequent inspection after our visit. Based on the results of the investigation, AC recommended a stipulation. However, as of early June 2009—11 months after our visit—the violator had not yet been fined.²⁸

Also, although AWA states that “the Secretary is authorized to cooperate with the officials of the various States . . . in carrying out the purpose of [AWA],”²⁹ AC did not establish procedures to forward animal cruelty cases to these officials. In this case, AC did not notify the State of Oklahoma (which has first-offense felony laws for animal cruelty) of the inhumane treatment the dog received.

²⁷ After the direct violation was cited in December 2007, the inspector re-inspected the facility in January 2008 and found that the attending veterinarian prescribed treatment for the dogs.

²⁸ For stipulation cases closed between October 2006 and April 2008, it took IES an average of 10 months to issue a stipulation.

²⁹ 7 U.S.C. §2145(b) (January 3, 2007).

Example 2: At another facility in Oklahoma with 96 adult dogs, AC cited the breeder for 23 violations (including 12 repeats) during 4 inspections from August 2005 to September 2007. Although national office instructions state, “if compliance [is] not attained quickly, proceed to other enforcement steps,” AC could not explain why it took no enforcement action.³⁰

During our visit to the facility in July 2008, AC cited the breeder for another 11 violations (including 1 repeat). We found numerous dogs infested with ticks. In one case, the ticks completely covered the dog’s body (see figure 3). The dog appeared extremely tired and stressed and did not move, even when we approached it.

Figure 3: Dog with Excessive Ticks



The inspector required the breeder to take only eight of the numerous infested dogs to a veterinarian.³¹ However, since the inspector did not identify the dogs in the inspection report, it is uncertain if this dog was treated.

Although the inspector was concerned that the dogs might be anemic, she cited the ticks as an indirect violation (i.e., not affecting the animal’s health).³² AC referred the case to IES for investigation. As of early June 2009—11 months after our visit—the case was still under investigation.

Example 3: At a facility in Ohio with 88 adult dogs, AC cited the breeder for 23 violations (including 7 repeats) during 3 inspections from August 2005 to January 2008. In July 2007, AC sent an official warning to correct the identified care and cleanliness violations or face a “more severe penalty.” In January 2008, AC found the same violations but, instead of imposing a more severe penalty, sent another official warning.

³⁰ *Animal Care Enforcement Action Guidance for Inspection Reports* distributed to AC staff in 2007.

³¹ According to APHIS, the inspector documented and photographed the violation for enforcement action. However, we did not observe her taking any photos when we were there, and afterwards she could not produce them.

³² See Finding 2 for additional information about indirect and direct violations.

National instructions state that an official warning can be sent if no other enforcement action was taken against the violator in the previous 3 years.³³ In this case, the violator had received an official warning 7 months before so a more serious action was warranted. When we asked AC why a more serious action was not taken, regional management told us that the breeder was making progress. Consequently, national instructions were not followed in order to give the breeder “a reasonable opportunity” to comply with AWA.

Four months later, during our visit to the facility in June 2008, AC cited the breeder for another 9 violations (including 4 repeats). For example, a large amount of feces and urine was pooled under the kennels producing an overpowering odor (see figure 4). The inspector recommended no enforcement action.

Figure 4: Deep Pool of Feces and Urine Under Occupied Kennel



The breeder was cited for cleaning and sanitation violations during this inspection.

Four months later, the breeder was re-inspected and cited for 4 more violations (including 3 repeats). Again, AC took no enforcement action because the violator was “making credible progress,” as noted in AC’s “Enforcement Action Option Worksheet.”

Example 4: At a facility in Oklahoma with 219 adult dogs, AC cited the breeder for 29 violations (including 9 repeats) during 3 inspections from February 2006 to January 2007.³⁴ AC requested an IES investigation in May 2007. However, before the investigation resulted in any enforcement action, the inspector conducted another inspection in November 2007 and found five dead dogs and other starving dogs that had resorted to cannibalism. Despite these conditions, AC did not immediately confiscate the surviving dogs and, as a result, 22 additional dogs died before the breeder’s license was revoked.

³³ *Animal Care Enforcement Action Guidance for Inspection Reports* distributed to AC staff in 2007.

³⁴ The facility was on our original sample list. However, we did not visit it because its license was revoked before our fieldwork. We performed a file review instead.

AWA states, “the Secretary shall promulgate . . . regulations . . . to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of the [AWA].”³⁵ We asked why the dogs were not confiscated when the inspector first found the dead and starving dogs. AC responded that its regulations require that the violator be given an opportunity to correct the condition before any confiscation can occur.³⁶

In the end, the breeder’s license was revoked and the surviving dogs were placed in new homes within a year. However, our concern was that AC should have confiscated the dogs instead of giving the breeder another opportunity to correct the condition. If AC had the regulatory authority to immediately confiscate any animals in extreme cases such as this, some of the 22 additional dogs may have survived.

In summary, according to AC’s Guide, the goal of the agency’s enforcement is to gain dealer compliance with AWA. However, some of AC’s practices weaken its ability to accomplish this. Specifically, AC generally does not take enforcement action until a dealer is cited for repeat violations, which are narrowly defined. The Guide also lists “no action” as an enforcement action, which it is not. While taking no action may be reasonable at times, national guidance does require stronger enforcement actions in more serious situations. However, AC staff did not always follow the guidance and, consequently, many dealers were undeterred from continuing to violate AWA. See exhibit D for more examples of dealer noncompliance with AWA.

To ensure that animals covered by AWA receive humane care and treatment, the agency should require an enforcement action for direct and serious violations; remove “no action” as an enforcement action; and establish controls to ensure inspectors and their supervisors follow national enforcement action guidance in selecting the appropriate option. Also, the agency should modify its regulations to allow immediate confiscation of suffering animals. Last, in States that have felony laws for animal cruelty, the agency should establish procedures to refer such cases to State government.

Recommendation 1

Modify the *Dealer Inspection Guide* to require an enforcement action for direct and serious violations. Also, define a serious violation in the Guide.

Agency Response

APHIS agrees with this Recommendation. We will provide AC employees with guidance regarding all enforcement action options including direct and serious Non-Compliant Items (NCIs)³⁷ drawn from OIG recommendations, Office of the General Counsel guidance, and legal decisions. APHIS will incorporate the requirements in a new document entitled “Inspection Requirements.” This document will be distributed to and discussed with AC employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the “Inspection Requirements”

³⁵ 7 U.S.C. § 2146(a) (January 3, 2007).

³⁶ 9 CFR §2.129(a) (January 1, 2005).

³⁷ i.e., violations.

document and consolidate it with the *Research Facility Inspection Guide* and the *Exhibitor Inspection Guide* into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Recommendation 2

Remove "no action" as an enforcement action in the *Dealer Inspection Guide*.

Agency Response

APHIS agrees with this Recommendation. We changed the title of the "Enforcement Action Worksheet" to "Enforcement Action Option Worksheet" and changed the flow chart title to read "Enforcement Actions (EA) Guidance for Inspection Reports." We modified these to clarify that: (1) inspectors will forward to AC management a recommended EA (they believe will be most effective in attaining compliance) for all repeats and directs and any facility with inspection results that cause it to go from a lower frequency to High Inspection Frequency; and (2) taking no immediate action requires Regional Director approval and a 90-day reinspection to determine if compliance was achieved or if EA is necessary. Copies of the modified worksheet and flow chart are attached. AC will retain copies of all EA sheets in the facility files in accordance with records retention guidelines. AC's supervisors verbally directed their employees to utilize the modified EA worksheet beginning on December 1, 2009. In addition, this will be reemphasized at the National Meeting.

OIG Position

We accept APHIS' management decision on this recommendation.

Recommendation 3

Incorporate instructions provided in the "Animal Care Enforcement Actions Guidance for Inspection Reports" into the *Dealer Inspection Guide* to ensure inspectors and their supervisors follow them in selecting the appropriate enforcement.

Agency Response

APHIS agrees with this Recommendation. We will provide AC employees with guidance regarding all EA options to recommend to AC management drawn from OIG recommendations, OGC guidance, and legal decisions. AC will incorporate the requirements in a new document entitled "Inspection Requirements." This document will be distributed and covered for AC employees during AC's National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the "Inspection Requirements" document and consolidate it with the *Research Facility Inspection Guide* and the *Exhibitor Inspection Guide* into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Recommendation 4

Modify regulations to allow immediate confiscation where animals are dying or seriously suffering.

Agency Response

APHIS agrees with the intent of this Recommendation, but believes that current regulations are sufficient to allow immediate confiscation. We believe that we can effect the intent of the Recommendation by reviewing and clarifying the confiscation processes so that confiscations can be accomplished with maximum speed and effectiveness. We will distribute the clarified guidance to employees during AC's National Meeting, April 19-22, 2010.

OIG Position

We agree with APHIS' corrective action. However, since APHIS' planned action differs from OIG's recommendation, to achieve management decision APHIS needs to provide us with a copy of the clarified guidance on confiscation processes to demonstrate how it will effect the intent of the recommendation.

Recommendation 5

Establish written procedures to refer animal cruelty cases to the States that have such felony laws.

Agency Response

APHIS agrees with this Recommendation. While AWA does not give APHIS the authority to determine if State or local animal cruelty laws have been violated, we do believe that we should work with State and local authorities in our shared goal of eliminating animal cruelty. APHIS will refer issues of mutual interest to appropriate local authorities who enforce State laws and share inspection reports and EAs with several States that have State-level enforcement capability (e.g., Colorado, Iowa, Kansas, Missouri, and Pennsylvania). AC has modified the regional "Enforcement Action Option Worksheet" to include a check box for inspectors to indicate whether or not they contacted local or State authorities. A copy of the modified worksheet is attached. We will reemphasize with inspectors the need to notify appropriate authorities who enforce State humane laws during AC's National Meeting, April 19-22, 2010. APHIS will develop a Standard Operating Procedure to refer suspected animal cruelty incidents to appropriate authorities that have felony laws for animal cruelty. This document will be completed by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Finding 2: AC Inspectors Did Not Cite or Document Violations Properly To Support Enforcement Actions

During their inspections of dealers, 6 of 19 inspectors did not correctly report all direct or repeat violations, which are generally more serious and require more frequent inspections. In addition, they did not always adequately describe violations in their inspection reports or support violations with photos. Although inspectors are allowed to use their judgment when the Guide does not give detailed instructions, some inspectors made poor decisions. In these cases, AC regional management told us that the inspectors may need additional training in identifying violations and collecting evidence. As a result, problematic dealers were re-inspected less frequently, which placed their animals at a higher risk for neglect or ill-treatment.³⁸ Also, between 2000 and 2009, the lack of documentary evidence weakened AC's case in 7 of the 16 administrative hearings decided during the period.

AC's Guide states that its purpose is to "provide APHIS Animal Care personnel with a clear, concise, user-friendly reference for inspecting the facilities of USDA licensed animal dealers. By facilitating the inspection process, the Guide will serve as a useful tool to improve the quality and uniformity of inspections, documentation, and enforcement of the Animal Care Program." However, the Guide does allow inspectors to use their judgment in the decision-making process.³⁹

We accompanied 19 of the 99 inspectors to observe their inspections of dealer facilities. While many inspectors are highly committed, conducting timely and thorough inspections and making significant efforts to improve the humane treatment of covered animals, we noted that six inspectors did not correctly report direct or repeat violations. Also, the inspectors did not always document violations with sufficient evidence.

DIRECT VIOLATIONS WERE NOT REPORTED CORRECTLY

The Guide defines a direct violation as one that "has a high potential to adversely affect the health and well-being of the animal."⁴⁰ These include: "infestation with large numbers of ticks, fleas, or other parasites" and "excessive accumulations of fecal or other waste material to the point where odors, disease hazards, or pest control problems exist." In such cases, the inspector must re-inspect the facility within 45 days to ensure that the violator has taken timely actions to treat the suffering animals.

In contrast, an indirect violation is one that "does not have a high potential to adversely affect the health and well-being of the animal."⁴¹ These minor violations include: "inadequate records" and "surfaces not [resistant] to moisture." In such cases, a re-inspection may not occur for up to a year.

³⁸ AC uses a risk-based inspection system to determine frequency of inspections. If a dealer is not cited for direct or repeat violations, it decreases the frequency of his inspections.

³⁹ *Dealer Inspection Guide*, ch. 1.2.1 (March 1999).

⁴⁰ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

⁴¹ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

We found that 4 of the 19 inspectors incorrectly reported at least one direct violation as an indirect. After reviewing some of the examples, AC regional management responded that the inspectors may need additional training in identifying violations. Examples follow:

Example 1: At a breeder facility in Oklahoma with 96 adult dogs, we observed numerous dogs infested with ticks. One dog's face was covered with ticks (see figure 5).⁴²

Figure 5: Dog Covered with Feeding Ticks



The inspector required the breeder to take only eight of the infested dogs to a veterinarian. However, she did not identify the dogs in the inspection report or require documentation of the treatment. Therefore, we were not able to determine what happened to this dog.

The inspector reported the ticks as an indirect violation, even though excessive ticks are classified as a direct violation in AC's Guide.⁴³ The inspector told us that "without doing a physical exam on the dogs, it would be hard to tell exactly how detrimental the ticks were." Even so, she reported that some of the dogs "have enough ticks to be concerned about their hematocrit [a red blood cell ratio indicating anemic conditions]."

When we showed figure 5 to a senior veterinarian at AC's national office and the western regional director, they disagreed with the inspector's judgment of the violation. Both stated that it should have been reported as a direct violation in the inspection report.

Several months later, we asked for the treatment records to determine if the tick-infested dogs had received appropriate care, since AC's policy states that "every facility is expected to have a system of health records sufficiently comprehensive to demonstrate the delivery of adequate

⁴² See figure 3 in finding 1 for another dog in this facility with ticks completely covering the dog's body.

⁴³ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

health care . . . [including] dates and other details of all treatments.”⁴⁴ The inspector told us she could not require the records because AC “cannot enforce policy” and current regulations do not require breeders to keep them.

We found that although AWA and AC regulations are silent on treatment records, they do require adequate veterinary care;⁴⁵ without these records, the inspector cannot determine if a violator corrected the problem. We also noted that this inspector had required such records at other facilities, as did other inspectors we travelled with.

Last, the inspector did not identify the specific animals in her inspection report. According to APHIS, the inspector documented and photographed the violation for enforcement action. However, we did not observe her taking any photos when we were there and she could not subsequently produce them. Without the documentation, it would be impossible to identify the animals during re-inspection to determine if they were treated or just disposed of.

Example 2: At a broker facility in Oklahoma with 525 adult dogs, we observed and the inspector reported “an excessive number of insects/ cockroaches” crawling on walls, the floor, and the ceiling. Food bowls were also infested with dead and live cockroaches (see figure 6).

Figure 6: Cockroach-Infested Food



The inspector required the broker to correct the contaminated food within 5 days. However, by not designating this as a direct violation, the inspector will not know if the correction occurred since she will not return for a re-inspection for a year.

The inspector cited the violation as an indirect, even though contaminated feed and heavy vermin infestation in storage or feeding area are classified as direct violations in the Guide.⁴⁶ She told us that “cockroaches in the feed [do not necessarily pose] immediate health concerns . . . animals

⁴⁴ AC Policy No. 3 (July 17, 2007).

⁴⁵ 7 U.S.C §2143(a) (January 3, 2007) and 9 CFR §2.40 (January 1, 2005).

⁴⁶ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

can eat cockroaches and other bugs with no harm observed to their health.” The inspector’s supervisor supported the inspector’s assessment.

We contacted the directors of the Shelter Medicine Programs at three veterinary schools in California, Massachusetts, and New York to determine if the above situation constituted a direct violation.⁴⁷ All three directors disagreed with AC’s conclusion. The director of the Shelter Medicine Program at the University of California at Davis told us that “cockroaches have been linked to transmission of [parvovirus and] Salmonella and could be a physical . . . carrier of the disease. While it might not be harmful for the animals to eat a bug on occasion, having such a number of cockroaches in a food container (and in the environment generally) would potentially spread serious diseases . . . constituting a threat not only for animals but also for humans.”

The AC supervisor told us that if several inspectors evaluated the same situation, some would document the violation as a direct and others would not. This demonstrates AC’s lack of standardization on how animals and violators are treated. To ensure that inspectors cite direct violations consistently, AC should provide more detailed guidance on direct violations and provide more training to the inspectors in identifying them.

Example 3: At a breeder facility in Arkansas with about 100 adult dogs, we observed an excessive accumulation of fecal or other waste material in the drainage between two animal enclosures with overpowering odor (see figure 7).

The inspector did not cite this as a violation—either direct or indirect—even though excessive accumulations of fecal or other waste material are classified as a direct violation in the Guide.⁴⁸ He told us that the build-up of waste was outdoors and “although the build-up in the drain was unsightly and odorous, there was no evidence that it was affecting the animals adversely.” The inspector’s supervisor agreed with the citation.

The director of the Shelter Medicine Program at the University of California at Davis told us that “dogs’ feces carry bacteria, protozoa and parasites that can constitute a threat to dogs and humans. This is especially true if the feces are allowed to remain in the environment for greater than 12-24 hours, allowing harmful infectious agents to mature to the point that they can be spread (e.g., coccidia, which can cause severe disease in puppies).” The director also stated that it could be worse outdoors because “diseases are more likely to be spread through insects in an outdoor environment.”

⁴⁷ Shelter Medicine Programs advise and educate animal shelters, which are similar to kennels since they care for large numbers of animals in an enclosure, on the proper handling and care of the animals.

⁴⁸ *Dealer Inspection Guide*, ch. 7.6.1 (April 2000).

Figure 7: Excessive Accumulation of Feces and Urine



The inspector cited the breeder for failure to clean and sanitize the kennel, although this area was not included in the citation. Because the breeder was not cited for any direct violations, the inspector will not return for a re-inspection for a year.

In conclusion, by incorrectly reporting direct violations as indirects, AC re-inspected the violators less frequently, leaving the animals at a higher risk for neglect, illness, and ill-treatment.

REPEAT VIOLATIONS WERE NOT REPORTED CORRECTLY

The Guide defines a repeat violation as “a noncompliance cited on the previous inspection or previous consecutive inspections, which has not been corrected, and/or a new noncompliance of the same . . . subsection cited [in] the previous inspection.”⁴⁹ We found that 4 of the 19 inspectors did not follow the Guide in reporting repeat violations.⁵⁰

Example 4: At a facility in Oklahoma with 55 adult dogs, an inspector cited the breeder for 21 violations during 4 inspections from October 2005 to June 2008. One inspection identified a

⁴⁹ *Dealer Inspection Guide*, ch.7.3 (April 2000).

⁵⁰ Two of the inspectors were among the four that did not correctly cite direct violations.

violation involving broken wires in pens that needed repair. The next inspection identified sagging wire flooring that needed repair. While both violations fell under the same regulatory subsection⁵¹—unsafe structures in primary enclosures—the inspector did not report the second as a repeat because the violations were not exactly the same.

We asked the regional directors to comment on what constitutes a repeat violation. The western regional director confirmed that violations with the same citation should be considered repeats. He also stated if the inspectors do not properly identify repeat violations, then they may need more training. The eastern regional director added that in some cases the inspectors need to use their judgment because some subsections are very broad and require interpretation. In this example, however, we believe the citations were very similar and did not require interpretation.

AC requires that enforcement actions be taken against repeat violators. By failing to correctly report a repeat violation, enforcement action may be delayed and future inspections may be less frequent.

VIOLATIONS WERE NOT SUFFICIENTLY DOCUMENTED

In our evaluation of the enforcement process, we reviewed all administrative hearings related to licensed dealers between 2000 and 2009. We found that in 7 of the 16 decisions, the administrative law judges (ALJ) or the Department’s Judicial Officer (JO) dismissed part of the violations because of insufficient evidence, including inadequate description of the violation, lack of photo evidence, etc. In one case, the ALJ stated that APHIS “failed to prove the significant majority of the violations.” As a result, the ALJ reduced the violator’s fine from \$25,000 to \$2,500.⁵² (See finding 3 for additional discussion on this case and others.)

We reviewed the inspection reports for our sampled facilities and found that the 19 inspectors did not always document their inspections with sufficient evidence, as discussed below.

Example 5: We found that photos were not always taken when necessary, even though APHIS issues digital cameras to the inspectors as part of their field equipment. The Guide states that photos should be taken when a violation may result in an enforcement action (or case).⁵³ Therefore, the inspectors only took photos, although not always, when their inspections identified a repeat or direct violation since it is these violations that may result in an immediate enforcement action.

However, even first violations may eventually be used to support an enforcement action and should be supported with photos, whenever possible. For example, if a direct violation results in an ALJ case, AWA allows that all prior violations (including non-repeat and indirect) be considered in the calculation of a penalty. Most likely, these non-repeat or indirect violations were not photographed and may not be sufficiently supported to be included in the case. In an

⁵¹ 9 CFR §3.6 titled “Primary enclosures, General requirements” (January 1, 2005).

⁵² *Karen Schmidt*, AWA Docket No. 03-0024.

⁵³ The Guide does not require photos to be taken for *all* violations. This lack of evidence may weaken APHIS’ cases in future hearings.

ALJ decision dated March 7, 2006, the ALJ dismissed six violations in part because there was a lack of photo evidence.⁵⁴

Example 6: We found some inspectors did not adequately describe some violations in inspection reports. At one facility in Oklahoma, the inspector cited the breeder for inadequate floor space. Although her report stated “several dogs are kept in kennels that are not large enough to satisfy their space requirements,” the inspector provided no further details. This lack of documentation may impact future litigation. In a prior ALJ case, when the Department similarly charged another breeder, the ALJ ruled in favor of the breeder stating “without any documentation as to the size of the shelters in the pen, a determination as to their adequacy cannot be made.”⁵⁵

In summary, the issues and examples discussed above seriously impacted APHIS’ ability to enforce AWA. Using their own judgment, some inspectors did not always report direct or repeat violations correctly according to the Guide and did not always document violations with sufficient evidence. When we discussed this issue with the agency, both the deputy administrator and the western regional director generally agreed that the inspectors should be provided more training. In particular, the deputy administrator suggested additional training in shelter medicine and animal abuse.

To correct these deficiencies, we agree that APHIS should provide more comprehensive training and detailed guidance to its inspectors and supervisors on direct and repeat violations, enforcement procedures, evidentiary requirements (e.g., adequately describing violations), shelter medicine, and animal abuse. Also, the agency should revise the Guide to require photos for all violations that can be documented in this manner.

Recommendation 6

Provide more comprehensive training and detailed guidance to the inspectors and supervisors on direct and repeat violations, enforcement procedures, evidentiary requirements (e.g., adequately describing violations), shelter medicine, and animal abuse.

Agency Response

APHIS agrees with this Recommendation. We have provided training for all inspectors on identifying direct and repeat NCIs and adequately describing NCIs, during fall 2009 meetings between supervisors and their inspector teams. We will provide additional training and guidance (i.e., the “Inspection Requirements” document) to AC’s inspectors and supervisors on identifying direct and repeat NCIs, adequately describing NCIs, enforcement procedures, and common medical conditions seen at commercial kennels during AC’s National Meeting, April 19-22, 2010. In addition, we will provide a training session on shelter medicine at the National Meeting. We will develop a comprehensive technical training plan through the Center for Animal Welfare by November 30, 2010.

⁵⁴ *Karen Schmidt*, AWA Docket No. 03-0024.

⁵⁵ *Karen Schmidt*, AWA Docket No. 03-0024.

OIG Position

We accept APHIS' management decision on this recommendation.

Recommendation 7

Revise the *Dealer Inspection Guide* to require photos for all violations that can be documented in this manner.

Agency Response

APHIS agrees with this Recommendation. Our current guidance calls for photographs of: direct NCIs; repeat NCIs; NCIs that may result in EA or an investigation; NCIs that are additional information for ongoing investigations; and transportation violations. In addition, our guidance states that inspectors may choose to take photographs in other circumstances. We will modify our guidance to add NCIs documented on the third prelicense inspection and NCIs documented on inspections that may be appealed. We will reemphasize with inspectors when to take photographs. We will incorporate this information in the new "Inspection Requirements" document, and distribute it to employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the "Inspection Requirements" document and consolidate it with the *Research Facility Inspection Guide* and the *Exhibitor Inspection Guide* into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Section 2: Stipulations

Finding 3: APHIS' New Penalty Worksheet Calculated Minimal Penalties

Although APHIS previously agreed to revise its penalty worksheet to produce “significantly higher” penalties for violators of AWA, the agency continued to assess minimal penalties for the majority of its stipulation cases. This occurred because the new worksheet allowed reductions up to 145 percent of the maximum penalty. As a result, APHIS continued to assess monetary penalties that were inadequate to deter violators. For the 94 stipulation cases we reviewed, APHIS imposed penalties totaling \$348,994, nearly 20 percent less than the \$434,078 calculated using the old worksheet.

Congress authorized APHIS to enforce AWA and assess monetary penalties to “any dealer, exhibitor, research facility . . . that violates any provision of this chapter, or any rule, regulation or standard promulgated by the Secretary.”⁵⁶ For our sample cases, the maximum penalty ranged from \$2,750 to \$3,750.

IES, in conjunction with AC, developed a worksheet to calculate penalties for violators. The overall goal for this worksheet was “to discourage dealers [and others] from violating the Act.”⁵⁷ In our prior audit report, we found that IES reduced the amount of the penalties for several factors (e.g., gravity of violations, size of business, etc.) authorized by AWA.⁵⁸ After making these adjustments, IES further reduced the penalties by 75 percent, an automatic reduction applied universally to all penalties, as an incentive for violators to pay the stipulation and thereby forego a hearing. However, this lowered penalties to such an extent that violators considered them a normal cost of business. We concluded that the resulting penalties were ineffective deterrents and APHIS agreed to develop a new penalty worksheet.

In April 2006, APHIS implemented a revised worksheet with two significant changes: adding a “good faith” factor⁵⁹ and changing the automatic reduction from 75 to 50 percent, as shown in figure 8.

During the management decision process,⁶⁰ APHIS officials explained that “the new [worksheet] results in significantly higher stipulations than have previously been issued for similar violations. This has not only been seen in current cases, but also in a number of previous cases that the team used to Beta-test the new penalty [worksheet].”⁶¹ They provided two sample cases, which corroborated their explanation.⁶²

⁵⁶ 7 U.S.C. §2149(a) and 2149(b) (January 1, 2007).

⁵⁷ “Determining Penalties under the Animal Welfare Act,” pg. 2 (April 2006).

⁵⁸ OIG Audit No. 33002-3-SF, “APHIS Animal Care Program Inspection and Enforcement Activities” (September 2005).

⁵⁹ Authorized by 7 U.S.C. §2149(b) (January 1, 2007). AC defines good faith as “compliance with standards of decency and honesty” and “sincere integrity in profession and performance.” For purposes of AWA, a person who shows good faith “may be: willing to comply and correct violations; have animals that are in good health that do not suffer as a result of the violations, and; cooperative with IES and AC.”

⁶⁰ Management decision is the agency’s evaluation of the findings, recommendations, and monetary results in an audit report and its issuance of a proposed decision in response to such findings and recommendations, including any corrective actions determined to be necessary.

⁶¹ Memorandum dated September 21, 2006.

⁶² During this audit, we asked APHIS for the entire sample. The agency was unable to provide this information.

Figure 8: New Worksheet with Good Faith and Automatic 50-percent Penalty Reduction

Animal Care Penalty Worksheet				
For Violations that Occurred After June 1, 2005				
Maximum Penalty		Total Violations		Maximum Penalty Violations
\$3,750		8		\$30,000
Gravity of Violations				
Minor (50%)	Significant (35%)	Serious (20%)	Grave (0%)	
0	8	0	0	
0	\$10,500	0	0	\$10,500
Size of Business				
	Small (20%)	Medium (10%)	Large (0%)	
	\$6,000	\$3,000	0	\$3,000
Prior History of Violations				
(Letter of Warning, Stipulation, Consent Decision, Admin. Decision)				
	No (25%)	Yes (0%)		
	\$7,500	0		7,500
Good Faith				
	Good Faith (50%)	No Evidence (25%)	Lack of Good Faith (0%)	
	\$15,000	\$7,500	0	\$7,500
Total Penalty Amount				
		Agency Recommendation to OGC:		\$1,500
(No less than \$200)		Agency Stipulation Recommendation:		\$750

NEW WORKSHEET REDUCED PENALTIES

To review the impact of APHIS’ changes to the penalty assessment process since our last audit, we compared the penalties using both the old and the new worksheets for all 94 stipulation cases closed between October 2006 and April 2008.⁶³ We found:

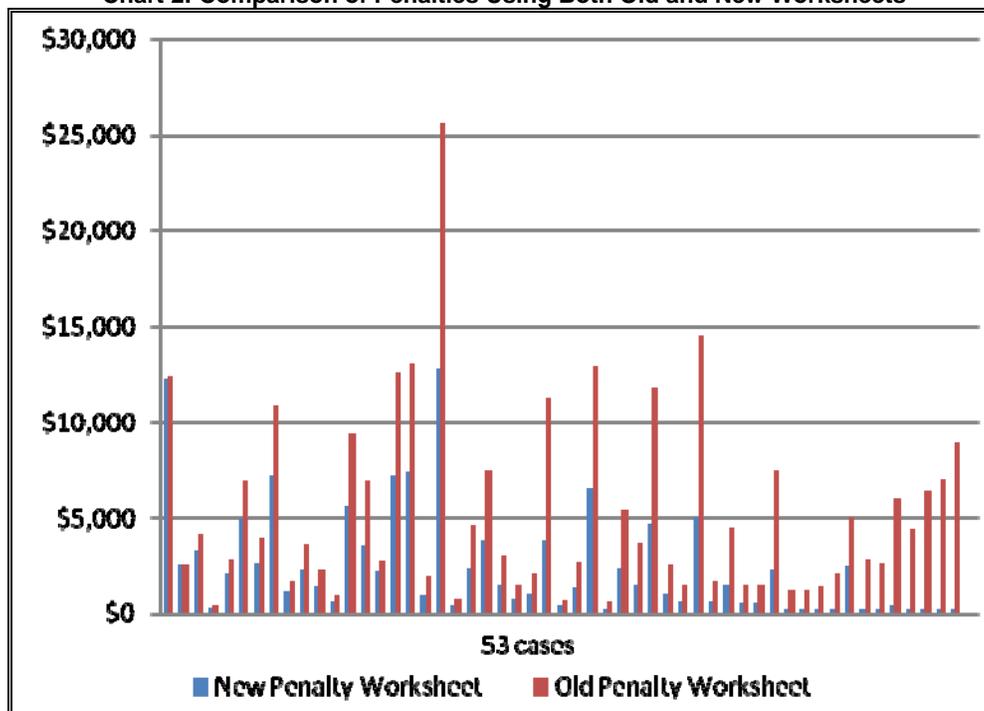
- In 53 cases, the penalties were lower using the new worksheet than they would have been using the old worksheet (see chart 2); in 6 other cases, the penalties were the same.
- In 12 of the 53 cases, the reductions decreased the penalties to such an extent (up to 145 percent of the maximum penalty) that they initially resulted in a *negative* number. In these cases, APHIS arbitrarily changed and inconsistently applied minimum penalties.

The stipulations assessed by APHIS between October 2006 and April 2008 totaled \$348,994. We recalculated the penalties with the old worksheet and found that the stipulations would have been \$434,078. Instead of assessing “significantly higher stipulations,” APHIS *lowered* the violators’ penalties by \$85,084—a 20-percent decrease.

For one breeder, APHIS imposed a penalty for numerous violations including inadequate veterinary care, feeding, watering, and cleanliness. Due to excessive reductions allowed by the new worksheet, the breeder’s penalty was 97 percent lower than if calculated using the old worksheet. Moreover, the reductions were so excessive that in 12 of 94 cases (13 percent), the worksheet generated a negative stipulation. When this occurred, the agency issued a minimum stipulation.

⁶³ To determine the impact of recent changes to the penalty worksheet, we continued to review stipulations because they were the focus of our last audit. Since APHIS issued its new worksheet and revised penalty guidelines in April 2006, we selected cases after FY 2006 to give the agency time to implement the changes.

Chart 2: Comparison of Penalties Using Both Old and New Worksheets



During a 14-month period, IES lacked controls over the minimum stipulation amount in that it changed four times, as shown in table 2.

Table 2: Penalties Calculated with the New Penalty Worksheet

Case No.	Stipulation date	No. of Violations	Maximum Penalties ^a	Stipulation Recommendation ^b	Minimum Stipulation Issued
1	8/25/06	9	\$25,750	(\$231)	\$250
2	10/4/06	16	\$55,000	(\$325)	\$200
3	10/13/06	14	\$46,500	(\$1,163)	\$200
4	11/8/06	44	\$165,000	(\$24,469)	\$250
5	11/22/06	7	\$26,250	(\$937)	\$250
6	2/8/07	7	\$26,250	(\$2,906)	\$250
7	8/3/07	1	\$3,750	(\$281)	\$275
8	8/6/07	31	\$97,500	(\$11,344)	\$250
9	8/30/07	2	\$5,500	(\$412)	\$250
10	9/28/07	5	\$18,750	(\$469)	\$250
11	10/2/07	15	\$56,250	(\$1,406)	\$250
12	10/19/07	2	\$7,500	(\$188)	\$250

a. These amounts were calculated by multiplying the number of violations by the maximum penalty authorized.

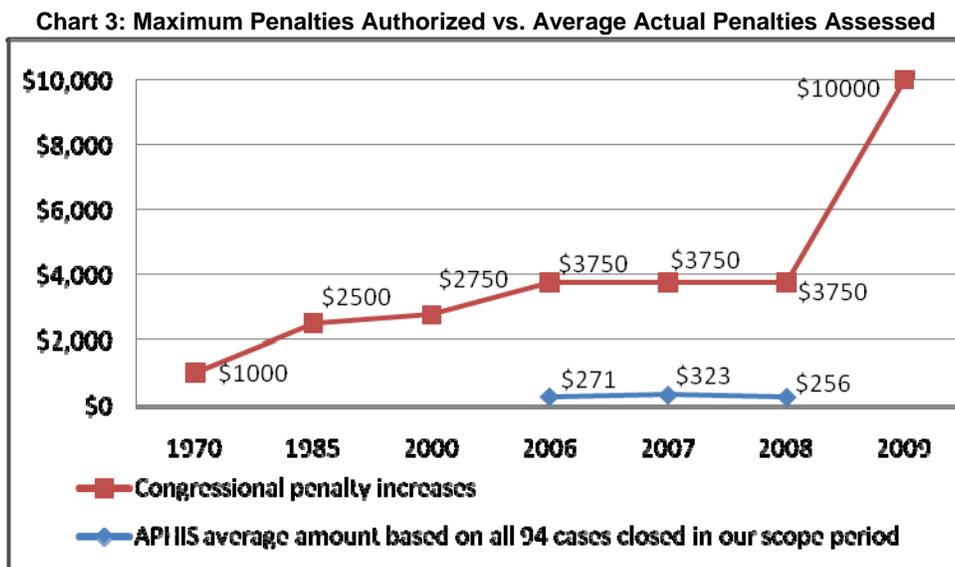
b. These amounts were calculated by applying so many reductions that the stipulations became a negative number.

We inquired why IES used different minimums. In March 2009, IES’ chief of Enforcement and Operations Branch stated, “it is not possible to glean from the email exchanges between the enforcement specialist and the program official why [this occurred].” Other IES officials also had no explanation about how the different minimums were calculated for the cases.

Based on the discussion above, we concluded that APHIS should limit total penalty reductions on its new worksheet to less than 100 percent and establish a minimum stipulation amount to be consistently applied.

CONGRESS INCREASED MAXIMUM PENALTIES

Since 1970, Congress and the Department have steadily increased the maximum penalty amount for AWA violations (see chart 3).⁶⁴ The most recent increase was an unprecedented \$10,000 per violation, as implemented by the 2008 Farm Bill.⁶⁵ The House Committee on Agriculture stated that this increase was to “strengthen fines for violations of the Animal Welfare Act.”⁶⁶



While Congress and the Department continued to increase the maximum penalty, the average penalties actually assessed by APHIS represented less than 10 percent of the maximum.⁶⁷ Lower penalties could be an indication that the violations were all minor or insignificant; however, we found that this was not the case. Serious violations (e.g., those that compromise animal health) and grave violations (e.g., those that directly harm animals) made up nearly 60 percent of all violations from October 2006 to April 2008.

APHIS CONTENDS THAT ASSESSED PENALTIES ARE APPROPRIATE

We inquired why the new worksheet did not produce the higher penalties that the agency previously told us it would. APHIS officials responded that there is no requirement to impose the statutory maximum penalty for violations. We agree and we are not advocating that APHIS assess the maximum penalty. However, as previously stated, we do recommend that APHIS issue more reasonable stipulations by limiting total penalty reductions on its new worksheet to less than 100 percent.

⁶⁴ From 1970 to 2009, USDA approved two increases to account for inflation; Congress authorized two significant increases that totaled two and a half times the previous maximum amount.

⁶⁵ Public Law 110-246, Sec. 14214 (June 18, 2008). The increased maximum penalty did not apply to the cases we analyzed.

⁶⁶ The Fact Sheet for the Conference Report—2008 Farm Bill Miscellaneous Title.

⁶⁷ For 2006, we used actual data from IES’ annual report. For 2007 and 2008, we averaged the actual stipulation amounts from the 94 cases.

In addition, APHIS stated that stipulations increased using the new worksheet. To support this, the agency compared the average stipulation before our 2005 audit report to the average stipulation after our 2005 audit report. However, the agency did not consider factors that affected the average stipulation, such as the gravity of violations, size of business, violation history, and increases in the authorized maximum penalty.

To determine the impact of these factors, we reviewed stipulation cases collected for our 2005 audit⁶⁸ and found: (1) the violations after 2005 were more serious than those in earlier years;⁶⁹ (2) the size of business of the violators after 2005 was larger;⁷⁰ (3) more violators after 2005 had a violation history;⁷¹ and (4) the maximum penalty increased since our last audit.⁷² Since the above factors increased stipulations, we disagree that stipulations increased because of the new worksheet.

Finally, APHIS stated that OIG recommended it produce higher penalties without regard to penalty precedent established by the courts, which is binding on APHIS. It also stated that the JO routinely imposes a fraction of the statutory maximum penalty even for the most egregious violations.

APHIS' legal proceedings were not the focus of our audit. However, to validate APHIS' statement, we reviewed the seven cases the agency provided. We found:

- In three cases, the JO imposed the same or almost the same penalty that APHIS asked for.⁷³
- In three other cases, the JO reduced the civil penalty because APHIS either did not provide sufficient evidence or used the wrong maximum penalty amount.⁷⁴
- In the last case, the JO did not impose a penalty because he found that AWA and the regulations were ambiguous on the issue.⁷⁵

In 1995 and again in 2005, we reported that the monetary penalties were often so low that violators regarded them as a cost of business and that APHIS reduced the stipulations making them basically meaningless. In our current audit, we found that this problem has not yet been corrected. APHIS continues to impose negligible stipulations by applying excessive reductions (up to 145 percent) to the maximum penalties. To correct this on-going problem, the agency needs to issue stipulations that will serve as a better deterrent for encouraging violators to comply with the law.

⁶⁸ We reviewed 77 of 197 cases closed from 2002 to 2004, the sample selected during our last audit.

⁶⁹ Serious and grave violations made up nearly 60 percent of all violations in our sample after 2005, whereas serious and grave violations only accounted for 11 percent of cases before 2005.

⁷⁰ Large businesses made up 30 percent of all violators in our sample after 2005, whereas large businesses only accounted for 13 percent of cases before 2005.

⁷¹ Over 38 percent of the violators had a violation history in our sample after 2005, whereas only 26 percent of the violators had a violation history of cases before 2005.

⁷² The maximum penalty increased from \$2,750 to \$3,750 in 2005, a 37 percent increase.

⁷³ *Marilyn Shepherd*, AWA Docket No. 05-0005, *Lorenza Pearson*, AWA Docket Nos. 02-0020 and D-06-0002, and *Jewel Bond*, AWA Docket No. 04-0024.

⁷⁴ *Martin Colette*, AWA Docket No. 03-0024, *Jerome Schmidt*, AWA Docket No. 05-0019, and *Karen Schmidt*, AWA Docket No. 03-0024.

⁷⁵ *Daniel Hill*, AWA Docket No. 06-0006

Recommendation 8

Limit total penalty reductions on the new worksheet to less than 100 percent.

Agency Response

APHIS agrees with this Recommendation. We will develop and implement a new worksheet which limits total penalty reductions to less than 100 percent by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Recommendation 9

Establish a methodology to determine a minimum stipulation amount and consistently apply that amount, when appropriate.

Agency Response

APHIS agrees with this Recommendation. We will formally document the "minimum stipulation amount" in the "Determining Penalties Under the Animal Welfare Act" document by September 30, 2010.

OIG Position

We accept APHIS' management decision on this recommendation.

Finding 4: APHIS Misused Guidelines to Lower Penalties for AWA Violators

In completing penalty worksheets, APHIS misused guidelines in 32 of the 94 cases we reviewed to lower the penalties for AWA violators. Specifically, it (1) inconsistently counted violations; (2) applied "good faith" reductions without merit; (3) allowed a "no history of violations" reduction when the violators had a prior history; and (4) arbitrarily changed the gravity of some violations and the business size. APHIS assessed lower penalties as an incentive to encourage violators to pay a stipulated amount rather than exercise their right to a hearing. As a result, APHIS did not consistently assess penalties among violators, which led to some violators not receiving their full penalty according to APHIS' guidelines.

Under AWA, "each violation and each day during which a violation continues shall be a separate offense." However, APHIS "shall give due consideration to the appropriateness of the penalty with respect to the size of the business, . . . the gravity of the violation, the person's good faith, and the history of previous violations."⁷⁶ Based on prior ALJ and JO decisions, APHIS'

⁷⁶ 7 U.S.C. §2149(b) (January 1, 2007).

Monetary Penalty Action Team established guidelines in 2006 that elaborated on the use and amount of penalty reductions.⁷⁷

After AC completes an inspection and considers enforcement action against a violator, it may request an IES investigation generally depending on the severity of the violations. If the investigation confirms the violations, AC may request that a stipulated (i.e., compromised) penalty be offered to the violator, who in return gives up his right to a hearing. IES, in coordination with AC, calculates the penalties while allowing reductions consistent with those listed in AWA.

In 32 of the 94 stipulation cases closed from October 2006 to April 2008, we found that APHIS misused guidelines in completing the penalty worksheet. (Since some individual cases contained multiple errors, the following add up to more than 32 cases.)

- In 18 cases involving animal deaths or unlicensed wholesale activities, APHIS used a smaller number of violations than the actual number.
- In 13 cases, APHIS applied a 50-percent or 25-percent good faith penalty reduction without supporting evidence or with contradictory evidence.
- In 22 cases, APHIS applied a penalty reduction, established for violators with no prior violation history, to violators that had a prior history.
- In 1 case, APHIS arbitrarily reduced the gravity of some violations and the size of the business from what was originally reported on the penalty worksheet.

We concluded that APHIS applied these penalty reductions without merit for the purpose of lowering penalties. AC regional management told us that they wanted to assess penalties that the violators would agree to pay rather than exercise their right to a hearing.

VIOLATIONS INCONSISTENTLY COUNTED

In our prior audit report, we recommended that APHIS calculate penalties on a per animal basis, as appropriate.⁷⁸ In September 2006, APHIS' prior Administrator agreed stating, "the criteria for total number of violations is calculated on a 'per animal, per day' basis."⁷⁹ Our review of the 94 cases disclosed that APHIS used this criterion only in cases involving animal deaths or unlicensed wholesales. However, because APHIS did not include the "per animal" part in its guidelines, this practice was not consistently followed, as discussed below.

In five cases involving animal deaths, APHIS calculated penalties based on one violation even though multiple animals died in each case. For example, in 2006 an airline company transported eight puppies from Europe to New York. Five puppies died because they were not adequately fed or hydrated. APHIS cited the violator for one grave violation for the deaths of the five

⁷⁷ "Determining Penalties Under the Animal Welfare Act" (April 2006).

⁷⁸ OIG Audit No. 33002-3-SF "APHIS Animal Care Program Inspection and Enforcement Activities" (September 2005).

⁷⁹ Memorandum from the Administrator to the Assistant Inspector General (September 21, 2006).

puppies. However, considering previous ALJ and JO decisions, APHIS should have counted each dead animal as a grave violation.⁸⁰

In 13 cases involving unlicensed wholesales,⁸¹ APHIS calculated penalties for unlicensed breeders based on the day the violation occurred even though multiple animals were sold each day. For example, an unlicensed breeder in Indiana sold a total of 19 puppies on 2 separate dates to a pet store. APHIS cited the violator for two violations, one for each date of occurrence instead of one for each animal.

Further, the penalties for wholesaling without a license were so low that in some cases, there was no incentive to be licensed. The penalties represented only a fraction of the amount that the violator would have paid in license fees. As a result, in addition to avoiding inspections, the violator had a financial advantage by not being licensed. For example, an unlicensed breeder in South Dakota was caught wholesaling 24 puppies from 2004 to 2006. APHIS imposed a stipulation of \$200. The license fee for the 3-year period would have been \$695—more than three times the amount of the stipulation.

We also found many cases where IES calculated the penalty two ways—one on a “per animal” basis and the other on “date of occurrence”—allowing AC regional management to choose the one that they believed the violators would pay. However, guidelines should sufficiently detail exactly how penalties are to be calculated. Given a set of circumstances, the worksheet should generate only one penalty amount, regardless of the violators’ willingness to pay.

GOOD FAITH PENALTY REDUCTION

As discussed in the previous finding, APHIS revised the penalty worksheet by adding a good faith factor. Good faith is defined in the guidelines as “a person who shows good faith may be willing to comply and correct violations; have animals that are in good health that do not suffer as a result of the violations. . . . In contrast, [a person who] lacks good faith may: have repeat violations . . . engage in regulated activity after having surrendered their license or after being notified of the Act’s licensing requirements.”⁸²

If the violator demonstrates good faith, APHIS reduces the statutory maximum on the penalty worksheet by 50 percent. If the violator demonstrates a lack of good faith, a penalty reduction is not applied. However, APHIS established a third penalty reduction—25 percent—which it gives to the majority of violators that are unable to show either evidence of good faith or a lack of it—no evidence either way.

We found 13 cases where the agency applied a 50-percent or 25-percent good faith penalty reduction without merit. Two examples are:

- At a facility in Tennessee, AC cited 22 violations, some of which caused animal deaths. When AC re-inspected the facility 5 months later, the inspector cited 12 more violations,

⁸⁰ “Consistent with established Department policy, when a regulated entity fails to comply with the Act, the regulations, or the standards, there is a separate violation for each animal consequently harmed or placed in danger.” (Delta Airlines, Inc. 53 Agric. Dec. 1076 (1994)).

⁸¹ AWA requires wholesale pet breeders to be licensed (7 U.S.C. §2133, January 1, 2007).

⁸² “Determining Penalties Under the Animal Welfare Act,” pg. 4 (April 2006).

4 of which were repeats that caused additional deaths.⁸³ In a letter dated July 3, 2007, the regional director stated that “we have no evidence of good faith.” Nonetheless, when APHIS calculated the penalty for all 34 violations, the violator received a 50-percent good faith penalty reduction. We concluded that the violator had actually displayed a lack of good faith by not correcting previous violations that caused the additional deaths.

- One licensed breeder in Ohio, with no veterinary qualifications, operated on a pregnant dog without anesthesia; the breeder delayed calling a veterinarian and the dog bled to death. The inspector also found that 40 percent of the dogs in the kennel were blind due to an outbreak of Leptospirosis.⁸⁴ The inspector determined that the facility’s water was contaminated and had caused the outbreak.

Guidelines state that “a person who shows ‘good faith’ . . . [has] animals that are in good health that do not suffer as a result of the violations . . .”⁸⁵ Despite the lack of good faith demonstrated by the breeder, APHIS applied a 25-percent good faith penalty reduction to lower the penalty. Four months later, a subsequent inspection continued to document violations at the facility. The inspector reported that “this is a veterinary care issue that continues to be a serious problem—failure to provide adequate veterinary care for over 200 adult dogs.”

HISTORY OF VIOLATIONS

A history of violations is defined as a previous violation of AWA or a “pattern of ongoing violations.”⁸⁶ When there is no prior history of violations, the guidelines allow a 25-percent penalty reduction.

We found that in 22 cases, APHIS allowed a 25-percent reduction of the maximum penalty amounts for “no prior history of violations,” even though the violators had a prior history of violations, as shown in the IES tracking system or through our review of the case files. Two examples are:

- A breeder in Ohio with about 62 adult dogs was cited for 1 minor, 16 significant, and 12 serious violations during 5 inspections between 2005 and 2006. The violations included the breeder’s failure to inform his attending veterinarian that some of his dogs delivered dead puppies, which is important if the puppies died of a disease like Brucellosis.⁸⁷ The breeder was also cited for administering medications to his dogs without his attending veterinarian’s knowledge. Although the breeder was issued an official warning in 2005 for numerous violations including inadequate veterinary care, APHIS gave him a 25-percent penalty reduction in 2007 for “no prior history of violations.”

⁸³ The agency incorrectly used 32 violations on the worksheet when the settlement agreement, which was sent to the breeder, showed 34.

⁸⁴ This is a bacterial disease that affects animals as well as humans and causes damage to the inner lining of blood vessels. The liver, kidneys, heart, lungs, central nervous system, and eyes may be affected.

⁸⁵ “Determining Penalties Under the Animal Welfare Act,” pg. 4 (April 2006).

⁸⁶ “Determining Penalties Under the Animal Welfare Act,” pg. 5 (April 2006).

⁸⁷ This is an infectious bacterial disease, which is spread through contact with aborted fetuses and discharges from the uterus of infected bitches, during mating, through maternal milk, and possibly through airborne transmission in some cases. The bacteria enter the body through mucous membranes and spreads from there to lymph nodes and the spleen. It also spreads to the uterus, placenta, and prostate gland as well as other internal organs at times.

- An unlicensed breeder in Indiana with 200 adult dogs received an official warning in 2002 for wholesaling to pet stores. In 2006, the breeder (still unlicensed) was found wholesaling puppies to a pet store in Florida. When calculating the penalty for this violation, APHIS gave the breeder a 25-percent “no history of violations” penalty reduction, even though the breeder had received an official warning in 2002.

GRAVITY OF VIOLATIONS AND SIZE OF BUSINESS

AWA also allows APHIS to consider the gravity of violations and size of a business when determining a penalty. However, we found one case where APHIS arbitrarily reduced the gravity of the violations and the size of the business in order to lower the violator’s penalty. A broker in North Carolina knowingly purchased puppies from an unlicensed breeder and failed to ensure that the puppies were at least 8 weeks old at the time of purchase. Both are considered serious violations according to guidelines. The violator should have been considered a large business because he purchased and sold over 500 animals a year.⁸⁸

Originally, APHIS assessed the broker a stipulation of \$4,500. After receiving an eight-page letter from the broker claiming hardship in paying the penalty, AC regional management altered the gravity of the violations from serious to both significant and minor to allow an additional 15-percent penalty reduction. It also altered the size of the business from medium to small to allow another 10-percent penalty reduction. As a result, the penalty was reduced from \$4,500 to \$1,687.

Guidelines state that “some factors . . . are not relevant to determining monetary penalties, including, among other things: inability to pay, disability, infirmity, need for income, effect on business or family.”⁸⁹ The regional manager, who participated as a team member in establishing these guidelines, told us that the broker’s letter addressed mitigating factors. However, after reviewing the letter, we saw no evidence to justify the changes made to the penalty.

As these conditions demonstrate, when the worksheet yielded penalties that regional managers considered excessive, they misused guidelines to lower the penalties. This resulted in some violators not receiving their full penalty and penalties not being consistently applied among violators. Therefore, we recommend that APHIS designate a responsible party to ensure that the guidelines established by its Monetary Penalty Action Team are consistently followed. Also, APHIS should include instructions in the guidelines to count each animal as a separate violation in cases involving animal deaths or unlicensed wholesale activities.

Recommendation 10

Designate a responsible party to ensure that “Determining Penalties Under the Animal Welfare Act” (April 2006) is consistently followed by AC and IES and that penalties are properly calculated.

⁸⁸ The guidelines state “dealers [that] purchased, sold, or transported 405 animals during a two-year period” should be considered large-sized.

⁸⁹ “Determining Penalties Under the Animal Welfare Act,” pg. 5 (April 2006).

Agency Response

APHIS agrees with this Recommendation. We recently reorganized the enforcement component of our Investigative and Enforcement Services (IES) to establish two branches: the Animal Health and Welfare Enforcement Branch (AHWEB) and the Plant Health and Border Protection Enforcement Branch. A GS-14 Chief will supervise each branch with full supervisory authority for branch staff. The Chief of AHWEB and his/her subordinate staff are responsible for EAs involving only AC and the APHIS Veterinary Services programs, greatly increasing the level of staff specialization afforded to these programs when compared to that in place during the audit. The Chief of AHWEB will assume responsibility for ensuring that AWA penalty calculations are consistent and in accordance with the instructions included in “Determining Penalties Under the Animal Welfare Act.” In an instance where the AHWEB Branch Chief is unavailable or the position is vacant, the IES Deputy Director will assume this responsibility.

OIG Position

We accept APHIS’ management decision on this recommendation.

Recommendation 11

Include instructions in “Determining Penalties Under the Animal Welfare Act” to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.

Agency Response

APHIS partially agrees with this Recommendation. The Recommendation is not always practical for unlicensed wholesale activities. We will request an opinion from Office of the General Counsel about a penalty structure for unlicensed wholesale activities by September 30, 2010. However, we will count each animal as a separate violation when an animal death results from NCIs. Specifically, AC will clarify the penalty guidelines by September 30, 2010, to count each animal as a separate violation when an animal death resulting from NCIs is involved.

OIG Position

We agree with APHIS’ corrective action. However, our concern remains whether APHIS will count the violations for unlicensed wholesale activities consistently. To achieve management decision, APHIS needs to provide us with a copy of the Office of the General Counsel’s opinion.

Section 3: Internet

Finding 5: Some Large Breeders Circumvented AWA by Selling Animals Over the Internet

Large breeders that sell AWA-covered animals over the Internet (hereafter referred to as Internet breeders) are exempt from AC's inspection and licensing requirements. This occurred because the AWA section that excludes retail pet stores (i.e., stores that sell directly to the public) from its provisions pre-dates the Internet and creates a loophole for these breeders to circumvent AWA. As a result, an increasing number of Internet breeders are not monitored for their animals' overall health and humane treatment.

AWA requires that "animals intended for use . . . as pets are provided humane care and treatment" and that breeders of such animals be licensed and inspected. AWA exempts small businesses and retail pet stores from its provisions, although it did not define the term "retail pet stores."⁹⁰

AWA was originally passed in 1966, long before the widespread use of the Internet. With the explosion of the Internet in the 1990s, it became possible for large breeders to circumvent AWA by selling directly to the public without an APHIS license and regular inspections. However, these retail breeders should not be categorized as retail pet stores or small businesses and, therefore, should not be exempted from AWA requirements for the reasons discussed below.

- **Retail Pet Store Exemption.** In 1971, APHIS defined the term retail pet store as "any retail outlet where animals are sold only as pets at retail."⁹¹ At that time, retail pet stores generally sold to local consumers. With the arrival of the Internet, the definition was broadly interpreted to include Internet breeders because they also sell directly to consumers. However, these breeders are no longer limited to local consumers but can sell and transport animals nationwide.

Also, the former Secretary stated that "retail [outlets] are already subject to a degree of self-regulation and oversight by persons who purchase animals from the retailers' homes."⁹² However, for Internet breeders, there is no degree of self-regulation and oversight because consumers do not have access to their facilities. Without consumer oversight or APHIS inspections, there is no assurance that the animals are monitored for their overall health and humane treatment.

- **Small Business Exemption.** A small business is one that "derive[s] less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat."⁹³ The Secretary determined that "any person who maintains a total of three or fewer breeding female dogs . . . which were born and raised on his or her premises, for pets or exhibition" or "any

⁹⁰ 7 U.S.C. §2131, §2133, and §2134 (January 3, 2007).

⁹¹ 9 CFR §1.1 (December 23, 1971).

⁹² Doris Day Animal League v. Veneman (August 2003).

⁹³ 7 U.S.C. §2133 (January 3, 2007).

person who sells fewer than 25 dogs and/or cats per year, which were born and raised on his or her premises . . . to any research facility” is exempted.⁹⁴

However, many Internet breeders do not fall in the small business category because they have more than three breeding females. Some are very large breeders that derive a substantial income from the breeding of dogs. For example, one Internet breeder we visited in Iowa had over 140 breeding dogs and generated sales of \$160,000 in 2007.

In April 2009, APHIS publicly acknowledged that not requiring Internet breeders to be licensed and inspected is “a massive loophole.”⁹⁵ To quantify the loophole, we used two search engines to identify how many of these breeders were licensed in two of our eight sampled States. We identified 138 breeders that had more than 3 breeding females or handled more than 25 dogs a year. We found 112 of the 138 (81 percent) were not licensed by APHIS. If these breeders had sold their dogs wholesale (i.e., not retail through the Internet), they would have needed a license.

Without a license, these breeders are not monitored or inspected for their animals’ overall health and humane treatment. With the dramatic increase in online sales, consumers who purchased dogs in this manner sometimes found health problems with their dogs. Examples of some consumer complaints are listed below:

“This one pound puppy was very sick when she arrived . . . my vet informed me that she was suffering from severe hypoglycemia and massive infestations of Giardia, Threadworm, Roundworm and Coccidia. She also had two groin hernias. Her blood glucose level was dangerously low so she was immediately put on an IV.”—source: an OIG Hotline Complaint.

“The [puppies] were mutts with poor body conformation, crooked teeth and were completely unsocialized. No health records came with the dogs and the information on the website was completely false.”—source: a Better Business Bureau sponsored website.

“After suffering from numerous health issues that cost . . . thousands of dollars in vet bills, [the puppy] died when he was just eight months old.”—source: San Francisco Chronicle.

“A breeder with a criminal record for animal cruelty was selling hundreds of puppies on the Internet.”—source: USA Today.

To ensure that large Internet sellers are inspected, APHIS should propose that the Secretary seek legislative change to cover these sellers under AWA. Specifically, the agency should propose that the Secretary recommend to Congress that it exclude Internet sellers from the definition of “retail pet store,” thereby ensuring that large breeders that sell through the Internet are regulated under AWA.

⁹⁴ 9 CFR §2.1 (January 1, 2005)

⁹⁵ “A (Designer) Dog’s Life,” *Newsweek* (April 13, 2009)

Recommendation 12

Propose that the Secretary seek legislative change to exclude Internet breeders from the definition of “retail pet store,” and require that all applicable breeders that sell through the Internet be regulated under AWA.

Agency Response

APHIS agrees with this Recommendation. APHIS is currently providing information (including potential options) to Congress as requested regarding the proposed Puppy Uniform Protection and Safety Act (PUPS). This bill would place dogs sold directly to the public via the Internet, telephone, and catalogue sales within the jurisdiction of the AWA. In addition, APHIS will concurrently draft a legislative proposal for the Secretary by May 31, 2010.

OIG Position

We accept APHIS’ management decision on this recommendation.

Section 4: Information System

Finding 6: Security Controls Need to Be Addressed for AC's New Information System

AC started using the Animal Care Information System (ACIS), its new mission critical system,⁹⁶ before the Department's Cyber Security Office gave its concurrence to operate it. This occurred because APHIS' Chief Information Officer (CIO) believed that the majority of the new system's security controls were operating as intended and recommended that it be implemented. The Cyber Security Office disagreed with the CIO's assessment and identified issues in the concurrency review checklist. As a result, there is no assurance that the new system has the security controls mandated by the Department.

Departmental Manual 3555-001 states, "all USDA IT systems require certification and accreditation prior to the system becoming operational. . . . Certified systems will undergo an independent concurrence review by the ACIO-CS [Associate Chief Information Officer for Cyber Security] prior to submission to the DAA [Designated Accrediting Authority]."⁹⁷ APHIS' condensed guide also states, "the concurrence of ACIO-CS with the [Certifying Official] is mandatory prior to submission to the DAA."⁹⁸

Since 1994, AC has used LARIS (Licensing and Registration Information System) to record licensing and registration of all breeders, exhibitors, and other facilities and to document their inspection and violation histories. After reviewing LARIS in our last audit,⁹⁹ we determined that this mission critical information system lacked certain key features that prevented it from effectively tracking violations and prioritizing inspection activities. Also, it generated unreliable and inaccurate information, limiting its usefulness to AC inspectors and supervisors. APHIS agreed with our recommendation for a new system. However, due to contractor failure, APHIS did not start to develop ACIS (LARIS' replacement) until September 2007.

AC closed down LARIS on September 30, 2008, expecting that ACIS would be certified and accredited the next month. However, the certification and accreditation did not occur the next month; in fact, AC did not have an operating information system for 5 months before launching the new system. Throughout this period, inspectors worked without a system, manually tracking reports and calculating future inspection dates.¹⁰⁰

By January 2009, APHIS' CIO believed that the majority of ACIS' security controls were in place and operating as intended. The CIO recommended that ACIS be authorized for use, disregarding the required departmental concurrence review. Based on the CIO's recommendation, the DAA (in this case, APHIS' deputy administrator) issued the authority to operate ACIS, and AC inspectors started using the new system. Once the system became operational in March 2009, inspectors then had to enter the 5 months of accumulated data into the new system.

⁹⁶ Any system whose failure or disruption in normal business hours will result in the failure of business operations.

⁹⁷ *Departmental Manual* 3555-001, ch. 11, pt. 1 (October 18, 2005).

⁹⁸ *Certification and Accreditation Condensed Guide*, pg. 7 (April 24, 2007).

⁹⁹ Audit No. 33002-3-SF, "APHIS Animal Care Program Inspection and Enforcement Activities" (September 2005).

¹⁰⁰ LARIS and ACIS could not be run simultaneously on the inspectors' computers due to compatibility issues. LARIS had to be removed before ACIS could be loaded.

However, the Department's Cyber Security Office did not concur with the CIO about the security controls and stated, "the documentation is [not] sufficient to support an accreditation decision and [it] will not issue an interim authority to operate . . . the issues we identified [in the checklists relate to the] system security plan, security controls compliance, contingency concurrency, and risk assessment."¹⁰¹ To comply with departmental policy, APHIS should address ACIS' security issues identified by USDA's Cyber Security Office during its concurrency review. Controls should also be established regarding the closing down or launching of mission critical systems.

Recommendation 13

Correct all security issues pertaining to ACIS that were identified by USDA's Cyber Security Office during its concurrency review.

Agency Response

APHIS agrees with this Recommendation. We have already corrected all security issues pertaining to ACIS. Our corrective actions are documented in the attached memorandum entitled "Approval for Interim Authority to Operate for Animal and Plant Health Inspection Service Animal Care Information System (ACIS)," dated October 21, 2009.

OIG Position

We accept APHIS' management decision on this recommendation.

¹⁰¹ Memorandum to APHIS dated February 11, 2009.

Section 5: Debt Management

Finding 7: IES Did Not Adequately Establish Payment Plans for Stipulations

IES did not adequately establish the payment plans for AWA violators that had stipulation agreements. This occurred because IES did not follow the payment plan process that was presented by the Financial Management Division (FMD) during a meeting in 2004. Further, FMD did not provide sufficient oversight or follow up of IES' debt management activities. As a result, 20 payment plans totaling \$92,896 were (1) established without verifying the violators' ability to pay, (2) not legally enforceable, and (3) not always established as accounts receivable.

Overall, FMD provides debt management services for APHIS and other agencies within the Department. According to APHIS' Budget and Accounting Manual, "FMD is responsible for developing and implementing an effective debt management program for the Agency . . . and providing oversight of Agency debt management activities."¹⁰²

To accomplish this, FMD partners with IES, which negotiates payment plans for violators that claim they are unable to pay the full amount of an agreed-upon stipulation. In March 2004, FMD representatives met with IES to discuss the payment plan process and the responsibilities that IES would be expected to assume. FMD did not provide further oversight.

We reviewed all 20 payment plans for stipulation agreements closed from October 2006 to April 2008. In assuming debt management responsibilities, IES did not comply with several regulatory requirements involving all 20 plans—most having overlapping errors. Specifically, we found that IES:

- Did not collect financial information when the violators claimed inability to pay. After IES and a violator agree to a stipulation, the violator may either pay in full or if he is unable to do so, then negotiate a payment plan. For all 20 plans, IES did not verify violators' eligibility to qualify for the plans. Regulations require that plans must be based on debtor's inability to pay in a reasonable time, which should be supported by financial information, such as tax returns and credit reports.¹⁰³ IES told us it was not aware of this requirement.
- Did not obtain legally enforceable written agreements (payment plans) from the violators. After IES and the violator mutually agree to a payment plan, IES signs the document before sending it to the violator. However, for 19 plans, IES did not require the violators to sign.¹⁰⁴ Regulations require that debtors provide "a legally enforceable written

¹⁰² APHIS' *Budget and Accounting Manual*, ch. 12 p. 2 (October 1, 2002).

¹⁰³ 31 CFR §902.2 (July 1, 2006).

¹⁰⁴ For one case, IES did not require the violator to sign the original payment plan. After accepting its terms, the violator asked IES to renegotiate the fine to a lower amount, and IES agreed to do so but required the violator to sign the second payment plan that was generated based on the renegotiated amount.

agreement.”¹⁰⁵ To ensure this, APHIS’ debt management policies require that the plans be signed by the debtor.¹⁰⁶ IES was not aware of this requirement.

- Did not forward documents to FMD to establish accounts receivable. For 7 payment plans, IES did not forward the required documents (i.e., settlement agreement, which includes the stipulation amount and plan) to FMD in order to establish accounts receivable. Although IES’ procedures require plans to be forwarded to FMD, IES could not provide a reasonable explanation why these plans were not. Without establishing accounts receivable for the plans, FMD cannot track and collect the debt.

As these conditions demonstrate, IES did not adequately establish 20 payment plans in accordance with requirements. Therefore, we recommend that FMD ensure that IES follows the payment plan process by conducting additional training and periodic reviews or reassume responsibility for establishing violators’ payment plans.

Recommendation 14

Require FMD to ensure that IES follows the payment plan process by conducting additional training and periodic reviews, or require FMD to reassume its responsibility for establishing payment plans for stipulations.

Agency Response

APHIS agrees with this Recommendation. IES will follow the applicable federal regulations and FMD Guidelines for Establishing Payment Plans when establishing payment plans. Consistent with these authorities, in September 2009, IES and FMD developed the attached Memorandum of Agreement (MOA) for persons who request a payment plan. IES has implemented the MOA in its International Organization for Standardization (ISO) Payment Plan process. In addition, IES and FMD have developed a method to jointly review and reconcile payment plans, stipulations, and orders assessing penalties on a monthly basis. IES’ Chief, Document Control Branch, will train the IES personnel who handle payment plans, in accordance with FMD’s Guidelines for Establishing Payment Plans and IES’ ISO Payment Plan process.

OIG Position

We accept APHIS’ management decision on this recommendation.

¹⁰⁵ 31 CFR §901.8 (July 1, 2006).

¹⁰⁶ “Guidelines for Establishing Payment Plans” (February 12, 2009).

Scope and Methodology

We conducted a nationwide review of AC's inspections of dealers and its enforcement of AWA during FYs 2006 through 2008. We performed fieldwork at the AC and IES national offices in Riverdale, Maryland; the two regional offices in Raleigh, North Carolina, and Fort Collins, Colorado; the FMD Financial Services Branch in Minneapolis, Minnesota; and 81 dealer facilities in 8 States (see exhibit B for a complete list of audit sites). We performed site visits from April 2008 through March 2009.

With data exported from the LARIS database,¹⁰⁷ we judgmentally selected eight States—Arkansas, Iowa, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, and Texas—based on the number of licensed dealers operating in the States. We also considered the type of animal welfare laws or inspection programs that had been adopted by the States.

To accomplish our audit, we:

- *Reviewed Criteria.* We reviewed the pertinent laws and regulations governing the AC program and the current policies and procedures AC established as guidance for inspections and enforcement.
- *Interviewed APHIS Personnel.* We interviewed AC and IES national and regional office officials as well as 19 of the 99 inspectors to gain an understanding about the AC program, its inspections, and investigation procedures. We also interviewed FMD personnel to gain an understanding of the penalty collection process.
- *Visited 81 Dealer Facilities.* Using Audit Command Language software, we judgmentally selected 81 of 3,954 licensed dealers in our sampled States (33 in the Eastern Region and 48 in the Western Region). Generally, we selected the dealers based on the largest number of violations or repeat violations cited during our scope, the size of the facility, elapsed time since the last inspection, availability of its regular inspector, and proximity to other dealers in our sample.

We accompanied 19 inspectors on their inspections of these dealers to (1) determine if the dealers were in compliance with AWA and related regulations and (2) evaluate the effectiveness of AC's enforcement actions. Of the 81 dealers we selected, 68 had been cited for violations since FY 2006.

- *Reviewed AC Inspection Reports and Files.* For the 81 dealers we visited, we reviewed inspection reports and other documentation in AC's files to determine if violations had been adequately addressed by the violators at re-inspections and, if not, whether appropriate enforcement action had been taken by AC.
- *Analyzed Total Violations Cited During Inspections.* We obtained nationwide data from LARIS of the violations cited during inspections in FYs 2006-2008. We then used Audit Command Language software to determine if the violators achieved compliance during

¹⁰⁷ The data was exported in April 2008.

re-inspections by comparing the total number of violators that were re-inspected during the period and the total number of those that continued to violate AWA.

- *Interviewed Veterinary Schools.* We interviewed the directors of the Shelter Medicine Programs at three veterinary schools in California, Massachusetts, and New York to determine if some of the situations we encountered during our site visits constituted direct violations.
- *Reviewed Stipulations.* At IES' national office, we reviewed all 94 stipulation cases that were closed from October 2006 to April 2008 to determine if (1) reductions offered by APHIS were appropriate and (2) penalties were calculated correctly.¹⁰⁸ We then calculated the stipulation amounts using the old penalty worksheet for comparison.

In addition, we compared the 94 cases in the current audit to the 77 stipulation cases from the 2005 audit to determine the factors that increased the average stipulation amount.¹⁰⁹

- *Reviewed ALJ and JO Decisions.* We reviewed all 16 AWA cases litigated by the Department where a decision was rendered on a licensed dealer from 2000 to 2009 to determine if AC supported its cases with sufficient evidence.

In addition, we reviewed seven AWA cases (cited by APHIS) to determine the basis for the JO's decision.

- *Searched for Breeders Selling Puppies Over the Internet.* We used two websites¹¹⁰ to identify breeders that sold AWA-covered animals over the Internet. We focused our search on two States—Missouri and Pennsylvania—based on the large number of breeders operating in these States. We identified 138 breeders that had more than 3 breeding females or handled more than 25 dogs a year. We compared information of these breeders to APHIS' active licensed breeder list to identify those not licensed by APHIS. We also collected examples of consumer complaints related to Internet breeders.
- *Reviewed Outstanding AC Receivables.* At FMD, we reviewed all outstanding AC receivables as of August 26, 2008, to determine if delinquent receivables were handled properly. We also reviewed all 20 payment plans from the sampled IES stipulation cases to determine if the plans were processed according to requirements.
- *Conducted a Limited Review of ACIS.* We did not verify the accuracy of AC's information system—ACIS—and make no representation of the adequacy of information generated from it.¹¹¹ We did review the new system's certification and accreditation process, and the timeliness of its implementation.

¹⁰⁸ The stipulation cases included all facilities covered by AWA, such as dealers, research facilities and transporters.

¹⁰⁹ We excluded four stipulation cases from our 2005 sample because we had not obtained the worksheet, which showed the three factors.

¹¹⁰ <http://www.puppysites.com> and <http://puppydogweb.com>.

¹¹¹ APHIS implemented the new system near the end of the audit. Therefore, we did not verify its accuracy.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Abbreviations

AC	Animal Care
ACIO-CS	Associate Chief Information Officer for Cyber Security
ACIS	Animal Care Information System
ALJ	Administrative Law Judge
APHIS	Animal and Plant Health Inspection Service
AWA	Animal Welfare Act
CFR	Code of Federal Regulations
CIO	Chief Information Officer
DAA	Designated Accrediting Authority
FMD	Financial Management Division
FY	Fiscal Year (Federal)
IES	Investigative and Enforcement Services
JO	Judicial Officer
LARIS	Licensing and Registration Information System
OACIS	On-line Animal Care Information System
OIG	Office of Inspector General
U.S.C.	United States Code

Exhibit A: Summary of Monetary Results

FINDING NUMBER	RECOMMENDATION NUMBER	DESCRIPTION	AMOUNT	CATEGORY
3	8	Although APHIS previously agreed to revise its penalty worksheet to produce “significantly higher” penalties for violators of AWA, the agency imposed penalties totaling \$348,994, nearly 20 percent less than the \$434,078 calculated using the old worksheet for the 94 stipulation cases we reviewed.	\$85,084	FTBPTBU* – Management or Operating Improvements/Savings
7	14	IES did not adequately establish payment plans for stipulations totaling \$92,896.	\$92,896	FTBPTBU – Improper Accounting
TOTAL MONETARY RESULTS			\$177,980	
*Funds to be put to better use				

Exhibit B: Audit Sites Visited

ORGANIZATION	LOCATION
APHIS National Office Animal Care Investigative and Enforcement Services	Riverdale, MD Riverdale, MD
APHIS Eastern Regional Office Animal Care Investigative and Enforcement Services Dealer Facilities: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	Raleigh, NC Raleigh, NC Goodville, PA Ephrata, PA East Earl, PA Lititz, PA Ephrata, PA Ronks, PA Shippensburg, PA Newburg, PA Belleville, PA Mill Creek, PA Belleville, PA Sugarcreek, OH Sugarcreek, OH Fresno, OH Dundee, OH Millersburg, OH Millersburg, OH Millersburg, OH Millersburg, OH Millersburg, OH Mt. Sterling, OH Columbus, OH Fredericktown, OH Brook Park, MN Remer, MN Nevis, MN

ORGANIZATION	LOCATION
27	Brewster, MN
28	Walnut Grove, MN
29	Luverne, MN
30	Ruthton, MN
31	Reading, MN
32	Walnut Grove, MN
33	Avoca, MN
APHIS Western Regional Office Animal Care Investigative and Enforcement Services Dealer Facilities:	Fort Collins, CO Fort Collins, CO Dardanelle, AR Pleasant Plains, AR Booneville, AR Booneville, AR Everton, AR Green Forest, AR Harriet, AR Mountainburg, AR Hindsville, AR Ozark, AR Agra, OK Jones, OK Jones, OK Atoka, OK Coalgate, OK Lane, OK Tishomingo, OK Atoka, OK Duncan, OK Duncan, OK Lebanon, MO Edgar Springs, MO Edgar Springs, MO Huggins, MO Houston, MO

ORGANIZATION	LOCATION
59	Edwards, MO
60	Warsaw, MO
61	Dixon, MO
62	Dixon, MO
63	Cumberland, IA
64	Massena, IA
65	Audubon, IA
66	Thayer, IA
67	Bedford, IA
68	Allerton, IA
69	Humeston, IA
70	Leon, IA
71	Centerville, IA
72	Altoona, IA
73	Whitewright, TX
74	Tom Bean, TX
75	Wills Point, TX
76	Midlothian, TX
77	Wills Point, TX
78	Scroggins, TX
79	Simms, TX
80	De Kalb, TX
81	Simms, TX
APHIS Financial Management Division	Minneapolis, MN

Exhibit C: Violations Cited at Dealer Facilities in FYs 2006-2008

VIOLATION	COUNT
Housing Facilities, General	4,744
Attending Veterinarian and Adequate Veterinary Care	3,537
Cleaning, Sanitization, Housekeeping, and Pest Control	3,504
Primary Enclosures	3,170
Access and Inspection of Records and Property	2,900
Outdoor Housing Facilities	2,678
Records: Dealers and Exhibitors	1,601
Time and Method of Identification	1,260
Sheltered Housing Facilities	731
Sanitation	651
Indoor Housing Facilities	576
Feeding	546
Watering	459
Facilities, General	428
Exercise for Dogs	254
Facilities, Indoor	237
Facilities, Outdoor	165
Notification of Change of Name, Address, Control	124
Procurement of Random Source Dogs and Cats, Dealer	82
Environment Enhancement To Promote Psychological Welfare	71
Employees	69
Minimum Age Requirements	69
Requirements and Application	68
Compatible Grouping	60
Records: Operators of Auction Sales and Brokers	55
Handling of Animals	52
Others (e.g., Health Certification, Space Requirements, Care in Transit, etc.)	352
TOTAL	28,443

Exhibit D: Additional Photos Taken During Site Reviews



Missouri breeder violated AWA: This dog had an injured leg, raw flesh and bones exposed. The inspector correctly cited the breeder for lack of adequate veterinary care (9 CFR §2.40). The dog was eventually treated by a veterinarian.



Texas breeder violated AWA: This dog had an oozing sore on its head. The inspector correctly cited the breeder for lack of adequate veterinary care (9 CFR §2.40), and required the breeder to take the dog to a veterinarian.



Ohio breeder violated AWA: This was an unsuitable kennel for puppies because their paws slipped through the wires, allowing regular contact with feces. The inspector correctly cited the breeder for failure to protect the dogs' feet from injury (9 CFR §3.6).



Texas breeder violated AWA: This dog had cloudy eyes covered with a heavy discharge, matted hair, and skin irritations. The inspector cited the breeder for lack of adequate veterinary care (9 CFR §2.40) and required the breeder to take the dog to a veterinarian for treatment. The inspector did not consider this a direct violation.



Texas breeder violated AWA: Dogs had drinking water that contained algae and feces. The water receptacle was also chewed and unclean. This is in violation of 9 CFR §3.10 for failure to provide clean and sanitized water to dogs and §3.11 for failure to keep water receptacles clean and sanitized. The inspector verbally told the breeder to clean the water receptacle but did not cite these violations.



Arkansas breeder violated AWA: This dog had a torn ear. The inspector correctly cited the breeder for lack of adequate veterinary care (9 CFR §2.40) and required the dog be taken to a veterinarian.

USDA'S

**ANIMAL AND PLANT HEALTH INSPECTION
SERVICE**

RESPONSE TO AUDIT REPORT

MEMORANDUM

TO: Gil H. Harden
Assistant Inspector General
for Audit

FROM: Cindy J. Smith /S/
Administrator

SUBJECT: APHIS Response on OIG Report, “Animal and Plant
Health Inspection Service’s - Animal Care Program
Inspections of Problematic Dealers” (33002-04-SF)

The Animal and Plant Health Inspection Service (APHIS) appreciates the opportunity to comment on this report. We appreciate the Office of Inspector General’s (OIG) interest in our programs. We have provided a response for each Recommendation.

Recommendation 1: Modify the *Dealer Inspection Guide* to require an enforcement action for direct and serious violations. Also, define a serious violation in the Guide.

APHIS Response: APHIS agrees with this Recommendation. We will provide Animal Care (AC) employees with guidance regarding all enforcement action options including direct and serious Non-Compliant Items (NCIs) drawn from OIG recommendations, Office of the General Counsel (OGC) guidance, and legal decisions. APHIS will incorporate the requirements in a new document entitled “Inspection Requirements.” This document will be distributed to and discussed with AC employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the “Inspection Requirements” document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

Recommendation 2: Remove “no action” as an enforcement action in the *Dealer Inspection Guide*.

APHIS Response: APHIS agrees with this Recommendation. We changed the title of the “Enforcement Action Worksheet” to “Enforcement Action Option Worksheet” and changed the flow chart title to read “Enforcement Actions (EA) Guidance for Inspection Reports.” We modified these to clarify that: (1) inspectors will forward

to AC management a recommended EA (they believe will be most effective in attaining compliance) for all repeats and directs and any facility with inspection results that cause it to go from a lower frequency to High Inspection Frequency; and (2) taking no immediate action requires Regional Director approval and a 90-day reinspection to determine if compliance was achieved or if EA is necessary. Copies of the modified worksheet and flow chart are attached. AC will retain copies of all EA sheets in the facility files in accordance with records retention guidelines. AC's supervisors verbally directed their employees to utilize the modified EA worksheet beginning on December 1, 2009. In addition, this will be reemphasized at the National Meeting.

Recommendation 3: Incorporate instructions provided in the “Animal Care Enforcement Actions Guidance for Inspection Reports” into the *Dealer Inspection Guide* to ensure inspectors and their supervisors follow them in selecting the appropriate enforcement.

APHIS Response: APHIS agrees with this Recommendation. We will provide AC employees with guidance regarding all EA options to recommend to AC management drawn from OIG recommendations, OGC guidance, and legal decisions. AC will incorporate the requirements in a new document entitled “Inspection Requirements.” This document will be distributed and covered for AC employees during AC's National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the “Inspection Requirements” document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

Recommendation 4: Modify regulations to allow immediate confiscation where animals are dying or seriously suffering.

APHIS Response: APHIS agrees with the intent of this Recommendation, but believe that current regulations are sufficient to allow immediate confiscation. We believe that we can effect the intent of the Recommendation by reviewing and clarifying the confiscation processes so that confiscations can be accomplished with maximum speed and effectiveness. We will distribute the clarified guidance to employees during AC's National Meeting, April 19-22, 2010.

Recommendation 5: Establish written procedures to refer animal cruelty cases to the States that have such felony laws.

APHIS Response: APHIS agrees with this Recommendation. While the Animal Welfare Act (AWA) does not give APHIS the authority to determine if state or local animal cruelty laws have been violated, we do believe that we should work with state and local authorities in our shared goal of eliminating animal cruelty. APHIS will

refer issues of mutual interest to appropriate local authorities who enforce state laws and share inspection reports and EAs with several states that have state-level enforcement capability (e.g., Colorado, Iowa, Kansas, Missouri, and Pennsylvania). AC has modified the regional “Enforcement Action Option Worksheet” to include a check box for inspectors to indicate whether or not they contacted local or state authorities. A copy of the modified worksheet is attached. We will reemphasize with inspectors the need to notify appropriate authorities who enforce state humane laws during AC’s National Meeting from April 19-22, 2010. APHIS will develop a Standard Operating Procedure to refer suspected animal cruelty incidents to appropriate authorities that have felony laws for animal cruelty. This document will be completed by September 30, 2010.

Recommendation 6: Provide more comprehensive training and detailed guidance to the inspectors and supervisors on direct and repeat violations, enforcement procedures, evidentiary requirements (e.g., adequately describing violations), shelter medicine, and animal abuse.

APHIS Response: APHIS agrees with this Recommendation. We have provided training for all inspectors on identifying direct and repeat NCIs and adequately describing NCIs, during fall 2009 meetings between supervisors and their inspector teams. We will provide additional training and guidance (i.e., the “Inspection Requirements” document) to inspectors and supervisors on identifying direct and repeat NCIs, adequately describing NCIs, enforcement procedures, and common medical conditions seen at commercial kennels during AC’s National Meeting, April 19-22, 2010. In addition, we will provide a training session on shelter medicine at the National Meeting. We will develop a comprehensive technical training plan through the Center for Animal Welfare, by November 30, 2010.

Recommendation 7: Revise the *Dealer Inspection Guide* to require photos for all violations that can be documented in this manner.

APHIS Response: APHIS agrees with this Recommendation. Our current guidance calls for photographs of: direct NCIs; repeat NCIs; NCIs that may result in EA or an investigation; NCIs that are additional information for ongoing investigations; and transportation violations. In addition, our guidance states that inspectors may choose to take photographs in other circumstances. We will modify guidance to add NCIs documented on the third prelicense inspection and NCIs documented on inspections that may be appealed. We will reemphasize with inspectors when to take photographs. We will incorporate this information in the new “Inspection Requirements” document, and distribute it to employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the “Inspection Requirements” document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one

comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

Recommendation 8: Limit total penalty reductions on the new worksheet to less than 100 percent.

APHIS Response: APHIS agrees with this Recommendation. We will develop and implement a new worksheet which limits total penalty reductions to less than 100 percent by September 30, 2010.

Recommendation 9: Establish a methodology to determine a minimum stipulation amount and consistently apply that amount, when appropriate.

APHIS Response: APHIS agrees with this Recommendation. We will formally document the “minimum stipulation amount” in the “Determining Penalties Under the Animal Welfare Act” document by September 30, 2010.

Recommendation 10: Designate a responsible party to ensure that “Determining Penalties Under the Animal Welfare Act” (April 2006) is consistently followed by AC and IES and that penalties are properly calculated.

APHIS Response: APHIS agrees with this Recommendation. We recently reorganized the enforcement component of our Investigative and Enforcement Services (IES) to establish two branches: the Animal Health and Welfare Enforcement Branch (AHWEB) and the Plant Health and Border Protection Enforcement Branch. A GS-14 Chief will supervise each branch with full supervisory authority for branch staff. The Chief of AHWEB and his/her subordinate staff are responsible for EAs involving only AC and the APHIS Veterinary Services programs, greatly increasing the level of staff specialization afforded to these programs when compared to that in place during the audit. The Chief of AHWEB will assume responsibility for ensuring that AWA penalty calculations are consistent and in accordance with the instructions included in “Determining Penalties Under the Animal Welfare Act.” In an instance where the AHWEB Branch Chief is unavailable or the position is vacant, the IES Deputy Director will assume this responsibility.

Recommendation 11: Include instructions in “Determining Penalties Under the Animal Welfare Act” to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.

APHIS Response: APHIS partially agrees with this Recommendation. The Recommendation is not always practical for unlicensed wholesale activities. We will request an opinion from OGC about a penalty structure for unlicensed wholesale activities by September 30, 2010. However, we will count each animal as a separate violation when an animal death results from NCIs. Specifically, AC will clarify the

penalty guidelines by September 30, 2010, to count each animal as a separate violation when an animal death resulting from NCIs is involved.

Recommendation 12: Propose that the Secretary seek legislative change to exclude Internet breeders from the definition of “retail pet store,” and require that all applicable breeders or brokers who sell through the Internet be regulated under AWA.

APHIS Response: APHIS agrees with this Recommendation. APHIS is currently providing information (including potential options) to Congress as requested regarding the proposed Puppy Uniform Protection and Safety Act (or PUPS). This bill would place dogs sold directly to the public via the Internet, telephone, and catalogue sales within the jurisdiction of the AWA. In addition, APHIS will concurrently draft a legislative proposal for the Secretary by May 31, 2010.

Recommendation 13: Correct all security issues pertaining to ACIS that were identified by USDA’s Cyber Security Office during its concurrency review.

APHIS Response: APHIS agrees with this Recommendation. We have already corrected all security issues pertaining to ACIS. Our corrective actions are documented in the attached memorandum entitled “Approval for Interim Authority to Operate for Animal and Plant Health Inspection Service Animal Care Information System (ACIS),” dated October 21, 2009.

Recommendation 14: Require FMD to ensure that IES follows the payment plan process by conducting additional training and periodic reviews, or require FMD to reassume its responsibility for establishing payment plans for stipulations.

APHIS Response: APHIS agrees with this Recommendation. IES will follow the applicable federal regulations and Financial Management Division’s (FMD) Guidelines for Establishing Payment Plans when establishing payment plans. Consistent with these authorities, in September 2009, IES and FMD developed the attached Memorandum of Agreement (MOA) for persons who request a payment. IES has implemented the MOA in its International Organization for Standardization (ISO) Payment Plan process. In addition, IES and FMD have developed a method to jointly review and reconcile payment plans, stipulations, and orders assessing penalties on a monthly basis. IES’ Chief, Document Control Branch, will train the IES personnel who handle payment plans, in accordance with FMD’s Guidelines for Establishing Payment Plans and IES’ ISO Payment Plan process.

Please note that OIG’s characterization of 31 C.F.R. § 901.8 and FMD’s Guidelines for Establishing Payment Plans differs from the plain language of those authorities. For example, OIG asserts that 31 C.F.R. § 901.8 states, “require that plans *must* be based on debtor’s inability to pay in a reasonable time, which should be supported by

financial information,” but the regulation actually states, “Agencies *should* obtain financial statements from debtors who represent that they are unable to pay in one lump sum and independently verify such representations whenever possible.” (emphasis added) Additionally, OIG states, “APHIS’ debt management polices *require* that the plans be signed by the debtor,” but FMD’s Guidelines for Establishing Payment Plans actually state, “Agencies *may* accept installment payments notwithstanding the refusal of the debtor to execute a written agreement or provide financial statements.” (emphasis added)

We hope that with this memorandum you are able to reach management decisions.

Attachments

Enforcement Action Option Worksheet

Licensee / Registrant Name:

License / Registration Number(s):

Customer Number:

Site No.(s):

Date(s) of Alleged Violation(s):

Date of Inspection Report(s):

Photos Included: Yes No

Airbill Included: Yes No NA

Local or State Authorities Contacted Yes No NA

Action Taken:

(Check one)

- Reinspection within 90 days (complete information below)**
 - APHIS Form 7060**
 - Initiate investigation**
 - Add to current investigation/case**
 - Other (explain):**
 -
-

Basis for Recommendation of "Reinspection within 90 days":

_____ Violation(s) are not severe enough to necessitate enforcement action at this time

_____ Evidence that facility is making credible progress towards full compliance - to be verified on reinspection.

_____ Other: (Explain)

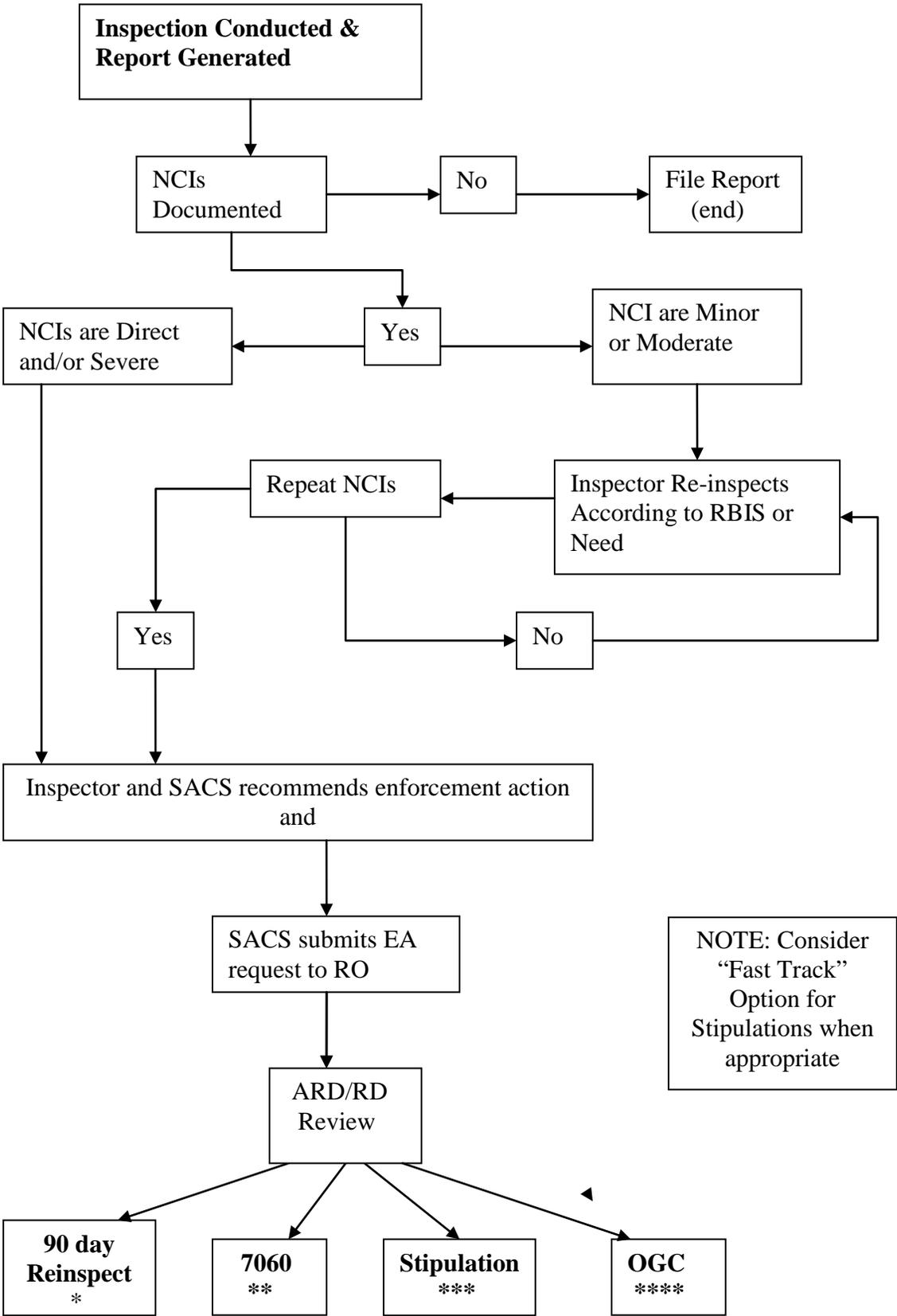
SACS Signature _____

Date _____

RD Concurrence _____

Date _____

**Animal Care
Enforcement Actions (EA) Guidance for Inspection Reports**



October 21, 2009

TO: Marilyn Holland
Chief Information Officer
Animal and Plant Health Inspection Service

FROM: Charles T. McClam /S/ R. Coffee
Deputy Chief Information Officer
Office of the Chief Information Officer

SUBJECT: Approval for Interim Authority to Operate for Animal and Plant
Health Inspection Service (APHIS) Plant Health Information System
(PHIS)

I have reviewed your request dated September 30, 2009, for an Interim Authority to Operate (IATO) for PHIS. I concur with your request for an IATO, effective for 90 days from the date of this memorandum under the following conditions. APHIS will:

- Submit a security categorization document, privacy threshold analysis/privacy impact assessment, risk assessment and system security plan into the Cyber Security and Management (CSAM) system for review.
- Create Plans for Action and Milestones (POAMS) in CSAM that document the accreditation project.
- Operate the system with appropriate security controls in place.
- Submit bi-weekly reports to the Office of Cyber and Privacy Policy and Oversight as to the status of its accreditation activities.
- Continually monitor the security posture of the system to ensure that no security vulnerabilities arise.
- Ensure that any vulnerabilities reported during the continuous monitoring process do not result in any unacceptable risk to USDA operations and assets.
- Accredite the system before the IATO expires.

If you have any questions, please contact Valarie Burks, Associate Chief Information Officer for Cyber and Privacy Policy and Oversight at 202-690-2396 or via e-mail at Valarie.Burks@usda.gov.

AGREEMENT BETWEEN
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
AND

TIN: _____ CASE # _____

This Agreement, dated this ____ day of _____ is between _____ of _____, and the United States Department of Agriculture, Animal and Plant Health Inspection Services, Financial Service Branch, Minneapolis, MN, hereinafter referred to as APHIS.

_____ acknowledges that a civil penalty debt is owed to APHIS in the principal amount of _____. _____ agrees to pay this amount to APHIS in monthly installments. The first installment payment of _____ shall be due on _____ with subsequent payments of _____ due on the (either 1st or 15th) of each successive month, beginning _____. Please annotate your case number on the payment.

_____ understands the terms of this agreement and agrees as follows:

- In accordance with the Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, late payments will be subject to interest and or penalty charges.
- In the event of default on the payment schedule (which default remains uncured for 60 days from the due date thereof), the total unpaid balance shall be immediately due and payable without demand or notice thereof. The balance due will be unpaid principal, interest calculated from the first day following the due date of the payment schedule, and late payment penalty.
- Failure to complete payments agreed to in this payment plan will result in this debt being prepared for referral to the United States Department of Treasury for further collection action.
- The interest rate will be the current value of funds rate established by the Department of Treasury. For late payments, interest will be charged from the first day following the due date of the payment.
- _____ agrees to reference their USDA APHIS account number on all payments, and to remit all installment payments under this Agreement to the USDA APHIS lockbox bank in accordance with either of the following methods:

Mail Address:

USDA, APHIS, (Case #)
P.O. Box 979043
St. Louis, MO 63195

Physical Address:

U.S. Bank (Case #)
Attn: Gvmt Lockbox – P. O. Box 979043
1005 Convention Plaza
St. Louis, MO 63101

Please return the signed agreement to:

USDA, APHIS, IES (Case #)
Attn: (Specialist name)
4700 River Road, Unit 85
Riverdale, MD 20737

APHIS and _____ understand and will abide by all of the terms outlined in this agreement.

USDA Animal and Plant Health Inspection Service

(Signature)
(print name) _____
Date

(Signature)
(Specialist & Phone #.) _____
Date

Meet the Puppy Trade's Victims—Dogs Rescued From a North Carolina Puppy Mill

 peta.vg/1fe4

The pups in pet store displays are adorable—wriggling balls of fuzz just waiting to jump into customers' arms. Store owners count on “love at first sight” because it pushes people to shell out hundreds of dollars to take cute puppies home. It should be a happy ending: The dog gets a home and the store turns a profit. But there is a dark side to the story.

As long as pet shops churn out puppies, unwanted dogs in animal shelters will be killed. And most pups sold in stores come from miserable “puppy mills” where mother dogs and “studs” spend lonely lives year after year in dismal cages, producing litter after litter like so many widgets on an assembly line.

Nearly 20 dogs were rescued from this sad existence when they were seized from a North Carolina man who was operating what appeared to be a puppy mill. A PETA representative gained temporary custody of the dogs, giving them the love they desperately needed and freedom from the narrow confines of their wire cages.

Don Scott of Maxton, North Carolina, was convicted of cruelty to animals after officials discovered that nearly 100 severely neglected dogs were languishing on his property. According to [new sources](#), many of the dogs were covered with parasites and suffering from mange or eye infections and had been confined to feces-strewn, rusty pens.

The [dogs](#), whom PETA cared for, were skittish and frightened by visitors—indicating that they were rarely, if ever, visited or touched by a caring human hand. They suffered from ear and eye problems and heartworm disease. They also showed signs of giardiasis, a diarrheal illness caused by protozoa in contaminated water, which is often found in puppy mills.

Of course, PETA treated the dogs and gave them the tender care they needed. We made sure they were not separated from their companions. Chihuahuas Rose, Sophia, and Fred enjoyed huddling together after their rescue. Dottie, a sweet Boston terrier, has joined a family with four other dogs and eventually, after some initial fearfulness, became a confident member of her “pack.”

Teddy is a Yorkshire terrier with an ulcer on his right eye. He is missing most of his teeth and suffers from a heart palpitation and a prostrate condition.

Blanche, a Shih Tzu whose right rear leg is deformed, has a very painful condition in her right ear. The condition requires medication and leaves her ear very sensitive.

The state of these dogs is a heartbreaking reminder of the terrible consequences of buying animals from pet shops and putting money in the pockets of unscrupulous breeders.

Help Stop Pet-Trade Abuses

When you buy from a pet shop, you kill a pound pup. It's that simple. Save a life instead. If you have the time and resources to care for a dog, adopt from an animal shelter.

Purchase supplies only from stores that don't sell dogs, cats, fish, or other small animals or from

online suppliers.

Urge pet stores to sell only supplies, not living animals. Ask them to team up with local animal shelters by displaying only animals who are up for adoption from the shelters. Until they do, let them know that you will only purchase supplies from stores that don't sell live animals. Hand out information about puppy mills and the dog overpopulation crisis in front of your local pet store. PETA can provide [posters and leaflets](#).

[Sponsor a billboard](#) in your area.

Check out PETA's [Animal Birth Control](#) campaign for more information on what you can do to help dogs, cats, and other animals.

NY Puppy Mill Gasses Nearly 100 Dogs

 peta.vg/12ms

Written by PETA | September 15, 2010

Just in time for Puppy Mill Awareness Day, [a puppy mill operator in Romulus, New York](#), has admitted to using a makeshift gas chamber to “depopulate” the kennel—in other words, to kill 93 dogs and puppies. David Yoder, who bred poodles, bichon frises, Maltese, and Boston terriers at his Black Diamond Acres kennel, told a U.S. Department of Agriculture (USDA) inspector that he gassed the dogs after being told that he would have to test and treat them for brucellosis. He put groups of five or six at a time into a sealed “whelping box,” which he had hooked up to a tractor engine. (Is anybody else noting the irony that these dogs were born and died in the same box?)

Yoder appears to have violated federal law, which prohibits kennel operators from performing euthanasia, as well as New York state law, which bans killing animals with exhaust fumes. Yoder has turned in his kennel license and is now under investigation by the USDA and the local sheriff’s department. Should he be found guilty of violating the Animal Welfare Act, he faces fines of up to \$10,000 for each such violation.



This case is just one more reminder—as if we needed one—why people should never buy dogs from [pet stores](#) (the retail end of the [puppy mill](#) business) or people who advertise puppies for sale in newspapers or online. If an ad mentions multiple breeds for sale, it might as well say “puppy mill” in neon lights.

Written by Alisa Mullins

Puppy Mill Prison



The pups in pet store displays are adorable—wriggling balls of energy just waiting to jump into customers' arms. Store owners count on love at first sight because it prompts people to shell out hundreds, sometimes thousands, of dollars to take cute puppies home. It should be a happy ending: The dog gets out of a cage and into a home. But there is an unseen, darker side to the story.

As long as pet shops churn out puppies, homeless dogs in animal shelters will have to be euthanized for lack of a good home. Almost all pups sold in stores come from hellholes called “puppy mills,” where sad mother dogs and “studs” spend lonely lives in miserable cages, producing litter after litter, until they are no longer profitable.

A PETA investigator worked for months at Nielsen Farms, a puppy mill in Kansas. The investigator's job was to feed, water, and clean up after hundreds of dogs condemned to cramped wire enclosures. The animals had no comforts—no bedding on the hard wire, little to no protection from the searing hot summers or the frigid winters, and no regular veterinary care, even when they were ill. Crusty, oozing eyes, raging ear infections, mange that turned their skin into a mass of red scabs, abscessed feet from the unforgiving wire floors—all were ignored or inadequately treated.

Here are some excerpts from the investigator's notes:

- There are now five toy poodles in one of the wire cages. They are frantic when I come by to water or feed them. They paw at the wire door trying to get out. When I reach in to get their dishes, they scratch at my arms and make screaming noises.
- Melissa said that a while ago, she found an Australian shepherd in the barn that had been dead for days.
- The trough that collects the waste from the cages gives off an incredibly rotten smell, since it is merely rinsed with cold water and there is a large buildup of encrusted hair and feces.
- Amy grabbed the poodle's leg to pull her out of a cage and yanked it really hard, causing it to break.
- There is a little terrier who jumps and hits his head on the top of his cage. He will yelp and scream while doing this over and over again. I can see the plastic roof of his cage bending from the impacts.

An Australian cattle dog with a palm-sized sore on her back was never seen by a veterinarian, and the wound did not heal properly. Some dogs who became caught in the wire of their cages injured their feet and hobbled around painfully, struggling to stay upright.

Our investigator also discovered that the collar on a Labrador retriever had not been adjusted as the dog grew and had become embedded in the dog's flesh. Even though the gangrenous skin fell away as the collar was removed, the wound was treated with nothing but worm-repellent spray.

Timid dogs were terrorized by their more dominant cagemates, who often prevented them from eating and drinking. Conditions were also unsafe. Several Labrador pups escaped from their poorly built kennel, and one was killed by other dogs in an adjoining run. The fence was never fixed.

Perhaps most heartbreaking of all were the old mother dogs who had gone mad from confinement and loneliness. Our investigator watched these dogs circle frantically in their small cages and pace ceaselessly back and forth, which was their only way of coping with their despair.

The tragic conditions at Nielsen Farms are typical of the hundreds of puppy mills that litter the Midwestern states. Laws offer little protection and are poorly enforced by the U.S. Department of Agriculture (USDA), whose visits are infrequent and usually announced ahead of time. Our investigator witnessed one USDA inspection. The inspector glanced at the cages but did not examine the dogs. Later, the inspector asked for an employee's home phone number, then called and asked her for a date.

Just weeks after PETA's investigation of Nielsen Farms revealed tiny, filth-encrusted cages and sick dogs with raging ear infections, disfiguring mange, and open, untreated wounds, the Kansas puppy mill closed its doors, leaving one fewer dilapidated breeding farm to supply the pet store puppy trade. The U.S. Department of Agriculture also charged the farm's owners with violations of the federal Animal Welfare Act.

When film star Charlize Theron heard about PETA's investigation, she quickly agreed to help tell the pet shop puppies' story and narrate the investigation footage video. Charlize then sent a copy of the video to mall managers across the country, along with a letter urging them to dump pet shops. Puppy mills such as Nielsen will continue to operate and profit as long as people buy puppies from pet stores. The public has the power to end the suffering of dogs in puppy mill prisons. You can help us reach consumers and make a huge difference for dogs who, like your own companions, deserve loving homes and happy lives.

You Can Help

Write or meet with rental agents who provide space to your local pet shops—including mall managers—and ask them to prohibit the sale of live animals in their rental properties. Instead of contributing to the overpopulation problem, pet shops can provide local shelters with a forum for adopting homeless animals, as is done at the Houston Galleria in Houston, Texas. ([Click here](#) for a sample letter to pet store managers.)

Monitor local pet stores that sell puppies. Many animals from puppy mills are sick or have serious congenital health problems. Immediately report sick animals to local humane and health authorities.

Write to the [USDA](#) and ask for a crackdown on all puppy mills. Had PETA not investigated Nielsen Farms, the USDA never would have brought charges. ([Click here](#) to see PETA's letter to the USDA.)



AMERICAN
KENNEL CLUB®

May 5, 2014

Mr. Jeffrey Campagna
Legislative Counsel
New York City Council
250 Broadway, Suite 1856
New York, New York 10001

Dear Mr. Campagna,

Thank you for your response to my inquiries about the status of Introduction numbers 136, 55, 73 and 146. Per our discussion last week, I have attached a number of documents regarding the American Kennel Club's position on these measures.

Headquartered in Manhattan, the AKC is the world's largest purebred dog registry, the nation's largest purebred rescue network, and the only not-for-profit purebred dog registry devoted for more than 130 years to the health and wellbeing of dogs. Together with our more than 5,000 dog clubs throughout the country – including 20 in New York City -- we work actively to educate the public about responsible dog ownership and advocate for humane treatment of all dogs.

The AKC believes the best way for a person to obtain a new pet is through personal interaction with the pet's breeder and the pet under consideration. An important part of ensuring the success of a pet with a new owner is to ensure that it is an appropriate fit with the owner's lifestyle. Unfortunately, many communities lack sufficient local breeders to meet the demand for such pets. We recognize that treasured pets may be obtained from a variety of sources, including breeders, pet stores, rescue, and local shelters.

The American Kennel Club's primary concerns about these measures include the following:

- **Definition of "pet shop" in introduction Numbers 136, 55, 73 and 146.** These measures utilize a definition of a pet shop as "*a facility other than an animal shelter where live animals are sold, exchanged bartered or offered for sale as pet animals to the general public for retail at profit*". This definition includes small/hobby breeders who sell one or a few animals directly to the consumer and do not meet the standard accepted thresholds defined by New York State or the US Department of Agriculture that differentiate between small home-based breeders and pet dealers or pet stores.

It is unreasonable to consider hobbyists and home-based breeders who sell an occasional puppy directly to the new owners to be pet stores and require them to comply with the same requirements as large commercial or retail operations.

We believe that regulating hobbyists who home-raise and sell a small number of pets as "pet stores" is contrary to the stated intent of the measure. It is also unfair to small specialty breeders who play an enormous role in responsible dog ownership programs and events in New York City such as AKC's *Meet the Breeds* and the *Westminster Kennel Club* dog show. This law would

make it make it almost impossible for New Yorkers to purchase a high-quality intact or show dog in New York City.

We respectfully ask that you clarify that a breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer or pet store as a result of selling or offering to sell such animals. This differentiation is consistent with current state law regarding the differentiation between commercial dealers and small, home-based breeders.

- ***Mandatory Sterilization Requirements in Introduction 136.*** Mandatory sterilization of puppies ahead of transfer to new owners may have damaging long terms impacts on the health of those dogs. As noted previously, scientific studies increasingly demonstrate that juvenile sterilization has long-term harmful impacts on the health of the animal. In female puppies, it has also been linked to urinary incontinence, which may render these dogs more likely to end up in the shelter system.

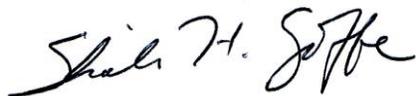
The AKC encourages pet owners who do not intend to show or breed their dogs to consider spaying and neutering them as a way to avoid accidental breedings. As with any major surgery, however, this decision and its timing is best left up to the owner in consultation with a veterinarian.

I have attached additional documentation and information regarding each of these issues, as well as studies regarding shelter population which demonstrate that a variety of issues including lack of owner education – rather than a dog's sterilization – are the primary reasons dogs are relinquished to shelters.

The American Kennel Club and our local NYC dog clubs thank you for the opportunity to provide commentary on the important issues of dog ownership and breeding in New York City. We already conduct a number of public outreach events in the city, and would be pleased to work with the New York City Council to continue to develop public education programs and other effective solutions to ensure prospective owners make the best decisions about the pet that is right for their family and current owners learn how to responsibly care and train their animals.

Please do not hesitate to contact us at (212) 696-8200 x3721 or 919-816-3721 to further discuss these measures.

Sincerely,



Sheila Goffe
Government Relations Director

Jeffrey H. Campagna
Legislative Counsel
Committees on Small Business and Higher Education
New York City Council
250 Broadway, 14th Floor
New York, NY 10007

May 5, 2014

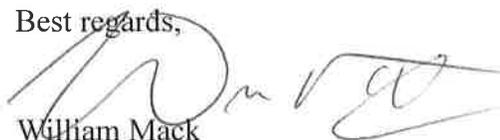
Re: Supplemental Testimony on Int. 55, 73, 136 and 146

Mr. Campagna:

On behalf of our Client, PetSmart Inc. ("PetSmart"), we submit this testimony to supplement the testimony we provided at the hearing held by the Health Committee on Int. 55, 73, 136 and 146 on April 30, 2014.

Attached are suggested modifications to Int. 55, 73, 136 and 146. We have proposed a uniform definition for a retail establishment that sells cats, dogs and rabbits. We believe the Council intends to regulate the sale of these animals specifically and have therefore removed certain references to "live animals". We look forward to working with you on these very important legislative proposals. We would be happy to continue our discussions on these matters at your convenience.

Best regards,


William Mack

cc: Daniel Hafetz

Int. No. 136

By Council Members Crowley, Arroyo, Dickens, Johnson, Koo, Levine, Palma, Rose, Vallone, Mendez, Koslowitz and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the spaying, neutering and licensing of animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York is amended to read as follows:

Chapter 8 - ANIMAL SHELTERS AND [STERILIZATION ACT] PET SHOPS

§ 2. Subdivision e and f of section 17-802 of the administrative code are amended to read as follows:

e. "Pet shop" means a facility [required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code,] where ~~dogs, and/or cats~~ or rabbits ~~live animals~~ are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. Such definition shall not include full-service shelters or other animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

f. "Sterilization" means rendering a dog, ~~for~~ cat or rabbit, guinea pig, or any other animal designated by rule by the department [who is at least eight weeks of age], unable to reproduce, by surgically altering the [dog's or cat's] animal's reproductive organs as set forth in the rules of the department or by non-surgical methods or technologies approved by the United States food and drug administration or the United States department of agriculture and acceptable to the department. Such definition shall include the spaying of a female dog or cat or the neutering of a male dog or cat provided such dog or cat is at least eight weeks of age.

§ 3. Section 17-802 of chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new subdivisions h to read as follows:

h. "Animal shelter" means a not-for-profit facility holding a permit in accordance with §161.09 of the New York city health code where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained and made available for: a) adoption to the general public; or b); redemption by their owners or c) other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

§4. Subdivisions b and c of section 17-804 of the administrative code of the city of New York are amended to read as follows:

b. No pet shop shall release to a consumer a ~~dog^g or~~ cat ~~or~~ rabbit, ~~or guinea pig, or any other animal designated by rule by the department~~ that has not been sterilized by a licensed veterinarian; provided, however, that such requirement shall not apply to a consumer who presents to the pet shop a letter from such consumer's licensed veterinarian, dated within the immediately preceding ten days, stating the reason(s) why, in the opinion of such veterinarian, such [dog or cat] ~~dog, cat, or other animal~~rabbit, should not be sterilized until a later specified date, not to exceed four months following the date of such letter. Such letter shall state that such veterinarian will cause such ~~dog, cat, or rabbit~~~~{dog or cat}~~ animal to be sterilized at the request of such consumer on or before such later specified date. Such veterinarian shall also provide to the pet shop a certificate, in such form and manner as determined by rules promulgated by the department, stating the date on which such sterilization was performed. Any consumer who

provides a pet shop with a letter with respect to a later sterilization of ~~a dog, cat, or rabbit [a dog or cat]~~ such animal must ensure that such animal is sterilized by the date indicated in the letter.

c. Every pet shop, in accordance with rules promulgated by the department, shall maintain records of all sales of dogs, cats or rabbits, guinea pigs, and any other animals designated by rule by the department pursuant to subdivision b of this section [dog or cat sales], sterilization procedures performed at the request of the pet shop, and veterinarian letters and certificates received, and shall retain such records, letters and certificates for a period of [two] five years. Such records, letters, and certificates shall be made available to the department according to rules promulgated by the department.

§ 5. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-814 to read as follows:

§ 17-814 Licensing of dogs required. a. A pet shop shall not sell or release a dog to a purchaser or adopter unless such person first completes an application for a license and tenders the license fees required by law. Such pet shop shall forward such completed application and license fees to the department in such manner as may be specified by the department. Such license shall be issued by the department.

b. A pet shop shall be exempted from the requirements of subdivision a of this section for any sale of a dog to a purchaser or adopter who executes and submits to such pet shop a written statement that the dog to be purchased or adopted is to be harbored outside of the city.

c. Every pet shop operator shall on at least a monthly basis report to the department on a form furnished by the department all dogs which have been sold and adopted, indicating for each such dog whether or not the pet shop submitted to the department a license application. Such form shall include the name and address of each such dog's purchaser or adopter, the license or

license application number if known, as well as any other descriptive information regarding such dog as may be required by the department.

§6. This local law shall take effect ninety days after its enactment into law.

JHC
LS# 417
3/4/2014

Int. No. 146

By Council Members Johnson, Crowley, Arroyo, Chin, Koo, Levine, Rose, Vallone, Mendez and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to microchipping animals sold in pet shops.

Be it enacted by the Council as follows:

Section 1. The title of chapter 8 of title 17 of the administrative code of the city of New York is amended to read as follows:

Chapter 8 - ANIMAL SHELTERS AND [STERILIZATION ACT] PET SHOPS

§ 2. Subdivision e of section 17-802 of the administrative code is amended to read as follows:

e. "Pet shop" means a facility other than an animal shelter where ~~live animals dogs, cats~~ or rabbits are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit [a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit]. Such definition shall not include [full-service shelters or other] animal shelters that make dogs and cats available for adoption whether or not a fee for such adoption is charged.

§ 3. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-814 to read as follows:

§ 17-814 Microchipping required. a. No pet shop shall release a dog or cat to a purchaser unless:

1. such animal has been implanted with a microchip as a permanent identification by a licensed veterinarian;

2. such pet shop has registered such animal's microchip with such purchaser's contact information; and

3. such pet shop has provided such purchaser with usage instructions for such microchip and written certification of compliance with paragraphs 1 and 2 of this subdivision, signed by such purchaser as acknowledgement of receipt, in a form and manner set forth in rules promulgated by the department.

b. Every pet shop shall retain for a period of five years from the date of sale of any dog or cat, a copy of the certification signed by the purchaser required by paragraph 3 of subdivision a of this section.

§4. This local law shall take effect ninety days after its enactment into law.

JHC
LS# 353
3/4/14

Int. No. 55

By Council Members Crowley, Johnson, Arroyo, Constantinides, Levine, Palma, Vacca, Koslowitz and Espinal

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of puppies and kittens bred in puppy and kitten mills.

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 17 to read as follows:

§ 17-1701 Definitions. For the purposes of this chapter, the following terms have the following meanings:

a. "Animal abuse crime" means a violation of any provision of article twenty-six of the agriculture and markets law, or successor laws, or regulations promulgated thereunder pertaining to humane treatment of animals, cruelty to animals, endangering the life or health of an animal, or a violation of any federal, state, or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.

b. "Animal rescue group" or "non-profit rescue" shall mean a not-for-profit organization, group or unincorporated entity that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of such animals by the general public.

c. "Convicted" means an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or, or an order of adjudication withheld by reason of a plea of nolo contendere.

d. "Dealer" means a pet dealer required to have a license issued by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2134 or successor provision of law.

d. "Federal identification number" means a license or registration number issued by the United States department of agriculture pursuant to the Animal Welfare Act, 7 U.S.C. 54, or successor provision of law.

e. "High volume breeder" means a person who, for compensation or profit, either

1. has an ownership interest in or custody of one or more breeding female dogs and or cats and who sells or offers for sale, via any means of conveyance (including the internet, telephone, or newspaper), more than 50 of the offspring of such breeding female animals for use as pets in any 1-year period; or

2. has an ownership interest in or custody of twenty or more breeding female dogs and or cats.

f. "Intermediate handler" means an intermediate handler required to register with the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law.

g. "Pet shop" means a facility other than an animal shelter where ~~dogs, cats or rabbits~~ ~~live animals~~ are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§ 17-1702 Puppy and Kitten Mill Sales Prohibited. It shall be unlawful in any pet shop for any person to ~~display~~, offer for sale, ~~deliver~~, barter, auction, ~~give away, transfer~~ or sell any dog or cat obtained from:

a. a high volume breeder;

b. a dealer unless such dealer:

1. has such a valid license and such license is active;

2. has not been found in violation of any provision of 7 U.S.C. 54 or successor provision of law or any rule, regulation, or standard promulgated thereunder during the previous twelve months; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

c. An intermediate handler unless such intermediate handler:

1. has an active registration status with the United States department of agriculture;

2. during the previous twelve months has been cited for no more than three direct violations of 7 U.S.C. 54, or successor provision of law, and or any rule, regulation, or standard promulgated thereunder; and

3. provides the name and address of the breeder and, if the breeder is a dealer licensed by the United States department of agriculture, the breeder's federal identification number.

d. A dealer convicted of an animal abuse crime.

§ 17-1703 Information statement for purchaser. a. Every pet shop shall deliver to the purchaser of a cat or dog, at the time of sale in a standardized form prescribed by the commissioner, a written statement containing the following information:

1. For cats:

(a) The breeder's name and address, if known, or, if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the cat's birth, unless unknown because of the source of the cat, the date the pet shop received the cat, and the location where the cat was received;

(c) A record of immunizations and worming treatments administered, if any, to the cat as of the time of sale while the cat was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

(d) A record of any known disease, sickness, or congenital condition that adversely affects the health of the cat at the time of sale; and

(e) A record of any veterinary treatment or medication received by the cat while in the pet shop's possession and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the cat has no known disease or illness; and (2) the cat has no known congenital or hereditary condition that adversely affects the health of the cat at the time of sale; or

(ii) A record of any known congenital or hereditary condition, disease, or illness that adversely affects the health of the cat at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the cat, recommends necessary treatment, if any, and verifies that the condition, disease or illness does not require hospitalization or nonelective surgical procedures, and is not likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the cat clinically ill or is likely to make the cat clinically ill. The statement shall be valid for fourteen business days following examination of the cat by the veterinarian.

2. For dogs:

(a) The breeder's name and address, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States department of agriculture, the person's name, address, and federal identification number;

(b) The date of the dog's birth and the date the pet dealer received the dog. If the dog is not advertised or sold as a purebred, registered or registrable, the date of birth may be approximated if not known by the seller;

(c) The breed, sex, color and identifying marks at the time of sale. If the dog is from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

(d) A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale while the dog was in the possession of the pet dealer, including dates of administration and the type of vaccines and/or worming treatments administered;

(e) A record of any veterinary treatment or medication received by the dog while in the possession of the pet dealer and either of the following:

(i) A statement, signed by the pet shop at the time of sale, indicating all of the following: (1) the dog has no known disease or illness; and (2) the dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale; or

(ii) A record of any known congenital or hereditary condition, disease or illness that adversely affects the health of the dog at the time of sale, along with a statement signed by a licensed veterinarian that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the condition, disease, or illness does not require hospitalization or nonelective surgical procedures, and is not likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The

statement shall be valid for fourteen business days following examination of the dog by the veterinarian.

(f) Notification that dogs residing in New York state must be licensed, and that a license may be obtained from the municipality in which the dog resides.

b. A disclosure made pursuant to paragraph a of this section shall be signed by both the pet dealer certifying the accuracy of the statement and the purchaser acknowledging receipt of the statement.

c. Every pet dealer shall post conspicuously within close proximity to the cages of dogs and cats offered for sale, a notice containing the following language in one hundred-point type: "Information on the source of these dogs and cats and the veterinary treatments received by these dogs and cats is available for review by prospective purchasers."

§ 17-1704 Recordkeeping. a. Each pet shop shall keep and retain for five years after taking possession of any dog or cat records and documentation with respect to the purchase, sale, intermediate handlers, brokers, transportation, breeding, medical care and condition, identification, and previous ownership of such animal. Such documentation and records shall be made available at all reasonable times for inspection and copying by the department. Such records and documentation shall include the following information:

1. Proof of purchase, adoption, or acceptance of such animal evincing the source from which such pet shop obtained such animal;

2. The breeder's name and address. If the breeder is a dealer licensed by the United States department of agriculture, the breeder's name, address, and federal identification number;

3. If the source from which a pet shop obtained such animal is a person other than the breeder, such person's name and address. If such person is a dealer or intermediate handler, such person's name, address, and federal identification number;

4. The date of the animal's birth, the date the pet shop received the animal, and the location where the animal was received. If the animal is not advertised or sold as a purebred, registered or registrable, the date of birth may be approximated if not known by the seller;

5. The breed, sex, color and identifying marks at the time of sale. If the breed is unknown or mixed, the record shall so indicate.

6. A record of immunizations and worming treatments administered, if any, to such animal as of the time of sale while such animal was in the possession of the pet shop, including the dates of administration and the type of vaccines or worming treatments administered;

7. A record of any known disease, sickness, or congenital condition that adversely affects the health of the animal at the time of sale to the public;

8. A record of any veterinary treatment or medication received by the animal while in the possession of the pet shop;

9. A copy of any written statement provided to the purchaser pursuant to section 1703 of this chapter, signed by the pet shop certifying its accuracy and signed by the purchaser acknowledging its acceptance.

10. The name and address of the person to whom the animal was sold or given for adoption.

11. Any certification provided to a pet ~~shop~~ by a shelter or rescue stating that such animal has been implanted with a microchip for permanent identification.

12. A copy of any certificate of registration relating to microchip identification provided to the purchaser.

14. Such other records and documentation as deemed necessary by the commissioner in accordance with rules promulgated by the department.

b. In addition to the documentation and records required under subdivision a of this section, pet shoptores must keep and maintain the following records for transactions involving one or more dogs:

1. If the pet shop obtained such dog from a United States department of agriculture licensed source, the individual identifying tag, tattoo, or collar number for such animal.

2. If such dog is being sold as registered or being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known;

3. If the pet shop has submitted a license application for such dog pursuant to section 1706 of this chapter, a copy of such application.

4. If the pet shop has released such dog to a purchaser without first submitting a license application, a written statement provided by the purchaser stating that the dog is to be harbored outside the city

§ 17-1705 Animal Source Certification. a. Every pet shop required to have a permit issued by the commissioner shall provide to the commissioner with every application for such permit or renewal thereof an annual certification, executed under penalty of perjury, confirming that during the previous twelve months such pet shop has not sold any animals obtained from a source prohibited pursuant to section 1702 of this chapter. Such certification shall include the following:

1. The name and address of every source from which such pet shop obtained a dog or cat during the same period, and for dogs and cats obtained from sources other than the breeders, the name and address of each breeder;

2. The number of dogs and cats obtained from each source;

3. The number of dogs and cats originating with each breeder who is not a source; and

4. If a source or a breeder who is not a source is licensed by the United States department of agriculture pursuant to 7 U.S.C. 54 § 2136 or successor provision of law:

(a) the department of agriculture license number of such source or breeder; and

(b) the individual identifying tag, tattoo, or collar number of each dog obtained from such source or breeder.

b. Notwithstanding the aforementioned certification, a pet shop submitting an application for a permit or renewal permit less than twelve months after the effective date of this section shall not be required to certify the statements listed in subdivision a of this section except with respect to animals such pet shop receives after the effective date of this section.

c. The department may inspect the records maintained pursuant to section 17-1704 of this chapter to verify the authenticity of the certifications submitted pursuant to subdivision a of this section.

§17-1706 Minimum standards of animal care. a.Pet shops shall comply with the following minimum standards of care for every animal in their custody or possession:

1. Housing. (a) Animals shall be housed in primary enclosures or cages, which shall be constructed so as to be structurally sound. Such enclosures shall be maintained in good repair to contain the animal housed inside and protect it from injury. Surfaces shall have an impervious

surface so as not to permit the absorption of fluids and which can be thoroughly and repeatedly cleaned and disinfected without retaining odors.

(b) Primary enclosures or cages housing the animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must either be greater than one-eighth inch in diameter (nine gauge wire) or shall be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow passage of the animal's feet through any opening in the floor of the enclosure. Such flooring shall not sag or bend substantially between structural supports.

(c) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans, or air conditioners. Ventilation shall be established to minimize drafts, odors, and moisture condensation.

(d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.

(e) The indoor facilities housing the animals shall be provided with adequate lighting sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination which poses a health hazard to the animal.

(f) The indoor and outdoor facilities housing the animals, including the primary enclosure or cage, shall be designed to allow for the efficient elimination of animal waste and water in order to keep the animal dry and prevent the animal from coming into contact with these substances. If drains are used they shall be constructed in a manner to minimize foul odors and backup of sewage. If a drainage system is used it shall comply with federal, state, and local laws relating to pollution control.

(g) In the event that a pet shop has a pregnant or nursing dog on its premises, the pet shop shall provide a whelping box for such dog.

(h) Pet-shops shall designate and provide an isolation area for animals that exhibit symptoms of contagious disease or illness. The location of such designated area must be such as to prevent or reduce the spread of disease to healthy animals.

2. Sanitation. Housing facilities, including primary enclosures and cages, shall be kept in a clean condition in order to maintain a healthy environment for the animal. This shall include removing and destroying any agents injurious to the health of the animal and periodic cleanings. The primary enclosure or cage shall be constructed so as to eliminate excess water, excretions, and waste material. Under no circumstances shall the animal remain inside the primary enclosure or cage while it is being cleaned with sterilizing agents or agents toxic to animals or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

3. Feeding and watering. (a) Animals shall be provided with wholesome and palatable food, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Animals shall be adequately fed at intervals not to exceed twelve hours or at least twice in any twenty-four hour period in quantities appropriate for the animal species and age, unless determined otherwise by and under the direction of a duly licensed veterinarian.

(c) Food receptacles shall be provided in sufficient number, size, and location as to enable each animal in the primary enclosure or cage to be supplied with an adequate amount of food.

(d) Animals shall be provided with regular access to clean, fresh water, supplied in a sanitary manner sufficient for its needs, except when there are instructions from a duly licensed veterinarian to withhold water for medical reasons.

4. Handling. Each animal shall be handled in a humane manner so as not to cause the animal physical injury or harm.

5. Veterinary care. (a) Any pet shop duly permitted pursuant to this chapter shall designate an attending veterinarian, who shall provide veterinary care to the shop's animals which shall include a written program of veterinary care and regular visits to the pet shop's premises. Such program of veterinary care shall include:

(i) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this article;

(ii) The use of methods determined to be appropriate by the attending veterinarian to prevent, control, and respond to diseases and injuries, and the availability of emergency, weekend, and holiday care;

(iii) Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian who has received the guidance identified in subparagraph (iv) of this

paragraph; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(iv) Adequate guidance to personnel involved in the care and use of animals regarding handling and immobilization; and

(v) Pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

(b) All animals shall be inoculated as required by state or local law. Veterinary care appropriate to the species shall be provided without undue delay when necessary. Each animal shall be observed each day by the pet shop or by a person working under the pet shop's supervision.

(c) Within five business days of receipt, but prior to sale of any dog, the pet shop shall have a duly licensed veterinarian conduct an examination and tests appropriate to the age and breed to determine if the animal has any medical conditions apparent at the time of the examination that adversely affect the health of the animal. For animals eighteen months of age or older, such examination shall include a diagnosis of any congenital conditions that adversely affect the health of the animal. Any animal diagnosed with a contagious disease shall be treated and caged separately from healthy animals.

(d) If an animal suffers from a congenital or hereditary condition, disease, or illness which, in the professional opinion of the pet shop's veterinarian, requires euthanasia, the veterinarian shall humanely euthanize such animal without undue delay.

(e) In the event an animal is returned to a pet shop due to a congenital or hereditary condition, illness, or disease requiring veterinary care, the pet shop shall, without undue delay, provide the animal with proper veterinary care.

6. Exercise requirements. Pet shops shall develop, maintain, document, and implement an appropriate plan to provide dogs with the opportunity for daily exercise. In developing such plan, consideration should be given to providing positive physical contact with humans that encourages exercise through play or other similar activities. Such plan shall be approved by the attending veterinarian, and must be made available to the department upon request.

§ 2 This local law shall take effect sixty days after its enactment into law.

JC
LS # 4973, 4974, 4975, 4881
2/5/2014 5:21pm

Int. No. 73

By Council Members Johnson, Arroyo, Constantinides, Levine, Rose and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to updating the definition of "pet shop" within the Animal Abuse Registration Act.

Be it enacted by the Council as follows:

Section 1. Subdivision i of section 17-1601 of chapter 16 of Title 17 of the administrative code of the city of New York is amended to read as follows:

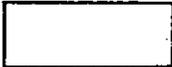
i. "Pet shop" shall mean a facility [required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code,] other than an animal shelter where ~~{dogs, -and/or cats} or rabbits -live animals~~ are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§ 2. This local law shall take effect on May 5, 2014, unless this local law is enacted after May 5, 2014, in which case it shall take effect immediately.

JHC
LS#776
2/18/2014

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Daniel Kass

Address: Deputy Commissioner, Environmental Health

I represent: DOHMH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Mario Marilino

Address: Assistant Commissioner

I represent: DOHMH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Corinne Schiff

Address: Special Projects Director, Division of Environmental Health

I represent: DOHMH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 136+146 Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Steven Gruber

Address: 4489 Broadway New York, NY 10040

I represent: Mayor's Alliance for NYC's Animals

Address: 244 Fifth Ave. Suite R290 New York NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Lauren Schwartz (Gos)

Address: 230 W 72nd St. 2F

I represent: NY's Assembly

Address: 230 W 72nd Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Assemblymember Linda B. Rosenthal

Address: 230 W 72nd St. Ste 2F

I represent: The Assembly

Address: 230 W 72nd St. Ste 2F

Please complete this card and return to the Sergeant-at-Arms.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: STACY WOLF

Address: ASPCA

I represent: _____

Address: 520 8th NY NY 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAVID DIETZ

Address: 2082 Flatbush Ave

I represent: PUPPY PARADISE

Address: 5th

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 & 136 Res. No. _____

in favor in opposition

Date: 4-30-14

(PLEASE PRINT)

Name: Natalie L. Reeves

Address: 95 Worth Street, #14B, New York, NY

I represent: Big Apple Bunnies

Address: same as above

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/44

(PLEASE PRINT)

Name: LEANDRO JACOBY

Address: 147 8th Avenue NYC 10011

I represent: Citipups NYC Corp.

Address: 147 8th Avenue NYC 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 136/146 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chetee Schadt

Address: 131 Varick St NY, NY 10013

I represent: NYCLASS

Address: 131 Varick St. NY, NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: STEPHEN LANE

Address: _____

I represent: PIJAC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 136 Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: PATRICIA ROSE / TINA DOLCE

Address: 3 BIRCHWOOD DR, VALLEY STREAM

I represent: PETLAND DISCOUNTS

Address: 355 CROOKED HILL RD
BRENTWOOD, NY 11717

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 & 136 Res. No. _____

in favor in opposition

Date: 4/30/2014

(PLEASE PRINT)

Name: Michael Glass 10464

Address: 1927 IRENE PT, Pottstown Pa

I represent: America's Pet Registry INC

Address: Harvey Ave. 10514 SFG Circle 72841

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 136/146

in favor in opposition

73-55

Date: _____

(PLEASE PRINT)

Name: ANN LETTIS

Address: 91 WIMAN AVE SI NY 10308

I represent: BDOA OF NY & AMERICAN KENNEL CLUB

Address: 91 WIMAN AVE 350 MADSON
SI NY 10308

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 136 Res. No. 146

in favor in opposition

w/Amendments Date: 04/30/2014

(PLEASE PRINT)

Name: VIVIAN BARNIK

Address: 110-11 QUEENS BLVD

I represent: ALL ABOUT RABBITS RESCUE, INC

Address: 110-11 QUEENS BLVD
FOREST HILLS NY 11375

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55, 73, 136 & 146 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Emily McCoy

Address: 80 Chambers St NYC NY

I represent: People for the Ethical Treatment of
Animals

Address: 501 Front St
Norfolk VA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55, 136, 146 Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: RISA Weinstock

Address: 11 Park Place NYC

I represent: Animal Care + Control of NYC

Address: 11 Park Place NYC 10007

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 136 Res. No. _____

in favor in opposition

Date: 4/30

Name: Jeffrey Drogin (PLEASE PRINT)

Address: 27 West 67 St

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: 4/30/14

Name: ZENA PENZEL (PLEASE PRINT)

Address: 145 4th Ave

I represent: League of Humane Voters NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55, 130/46 Res. No. _____

in favor in opposition

Date: 4/30/14

Name: Michelle Villagomez (PLEASE PRINT)

Address: 520 8th Ave, 7 Fl.

I represent: ASPCA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 156/11/18 Res. No. _____

in favor in opposition

Date: 4/30

(PLEASE PRINT)

Name: BRIAN SHAPIRO

Address: 4 CLOVELOOD RD. HIGH FALLS NY 12440

I represent: THE HUMANE SOCIETY OF THE U.S.

Address: WASH. DC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 23, 136 ^{on 2146} Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Edward Wallace, Greenberg Traurig

Address: 200 Park Avenue, N.Y., NY 10166

I represent: PetSmart

Address: 19601 North 27th Ave Phoenix AZ 85027

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)

Name: Bill Kefzer

Address: ASPCA

I represent: 520 QTH 7th Fl.

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cori Menkin

Address: 520 8th Ave, 10018

I represent: ASPCA

Address: 5th 8th Ave 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition

amending Date: 4/30/17

(PLEASE PRINT)

Name: Esther Kostow

Address: 588 West End Ave + 4-D NYC NY 10024

I represent: Shelter Reform Action Committee

Address: info@shelterreform.org

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Spit amended Date: 4/30/14

(PLEASE PRINT)

Name: Jennifer Canton

Address: 359 Pleasant Way NYC NY 10035

I represent: United Action for Animals

Address: P.O. Box 635 NY NY 10021

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55,136,146 Res. No. 133

in favor in opposition

Date: 4/30/14

(PLEASE PRINT)
Name: Elinor Rothberg

Address: 306 EAST 59 STREET NYC 10022

I represent: Humane Society of New York

Address: 306 EAST 59 STREET NYC 10022

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55,136,146 Res. No. _____

in favor in opposition

Date: 4/30/2014

(PLEASE PRINT)
Name: Eli Gabernstein

Address: 5 Dunhill Rd New York, NY 11040

I represent: NYC Bar Association Animal Law

Address: 42 West 44th St, NY NY 10036

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 55 Res. No. _____

in favor in opposition *-modified*

Date: _____

(PLEASE PRINT)

Name: Edita Birnkraut

Address: 1841 Broadway Suite 350, New York NY

I represent: Friends of Animals

Address: 1841 Broadway Suite 350

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John T. Maher

Address: 105 E. 177th St. #4c

I represent: Companion Animal Protection Society

Address: Cohasset, MA

Please complete this card and return to the Sergeant-at-Arms