

SUGGESTED COMMENTS FOR APHIS PROPOSED RULE
Due by July 16, 2012, 11:50 PM ET

COMMENT GUIDE

You may submit multiple comments; a separate comment for each point you wish to make.

APHIS needs to hear most from those who are likely to be affected by the rule. Explain briefly how the rule will impose costs on your breeding program and activities and whether this will cause you to cease your hobby or operations. Personalize the suggested comments below.

Send a copy of your comment to your Congressman and reference Docket No. APHIS-2011-O0003.

Directory of Representatives - <http://www.house.gov/representatives/>

Directory of Senators - http://www.senate.gov/general/contact_information/senators_cfm.cfm

* The majority of hobby breeders currently work within zoning requirements of increasingly urbanized areas. USDA licensing will automatically make these breeders businesses or commercial kennels requiring zoning variances which can be vetoed by neighbors. As these variances and permits may not be possible to obtain in many localities it is likely to end small-scale breeding for many fanciers.

* The breeding of home-raised animals is the optimum source of well socialized pets. If fanciers and hobby breeders are forced to discontinue or reduce their breeding programs to avoid impossible licensing requirements, the public demand for well socialized pets will not be met. Fewer enthusiasts will also result in the loss of genetic diversity, and many rare breeds will become extinct.

* The proposed rule sets engineered standards that are not compatible with residential home breeder settings. Spare rooms in homes, porches, or covered kennel runs can never be converted to a USDA-compliant facility. In these cases where the rule is aimed at improving welfare, it would actually have the opposite affect by mandating that animals move away from daily interaction as part of the family and into a sterile environment.

* The average USDA regulated commercial kennel had 106 adults and 93 puppies at any given time. It is completely unreasonable for USDA/APHIS to compare the need to regulate this size facility with a home-based breeder who owns 5 females.

* Regulating and inspecting thousands of hobby breeders in their private homes would require a huge increase in the USDA/APHIS budget or a corresponding cutback in inspections of the large commercial kennels that sell to research facilities or wholesale, the very establishments that are most in need of inspection.

* Under the proposed regulations, rescuers of dogs, cats, and other animals would also be regulated if they sell any animals without the buyer physically entering their facility or residence. This requirement could force a large number of rescuers to cease operations rather than endure the red tape and costs involved, leading to increased intakes of animals at shelters and increased euthanasia rates.

* State and local animal laws already cover many residential breeders. An additional layer of government regulation into the private lives and homes of individuals is overreaching, intrusive and unnecessary.

* What is the basis to state kennels who advertise on the Internet or in national magazines evade

inspection and customer scrutiny? Why would the Internet be applauded as a tool for shelters to sell dogs with unknown background yet demonized when used by breeders?

- * APHIS states the benefits of the rule, primarily enhanced animal welfare, is expected to justify the costs. However, APHIS admits these benefits are not quantified. No study has been done and there is no substantive evidence to prove that expansion of the existing AWA to cover an entirely new sector of small private entities will raise animal welfare to a higher level than properly enforcing current regulations and licensing those kennels operating commercially without USDA licensure.

- * The current proposed rule is basically the result of an HSUS petition demanding retail breeder regulation. There is no extensive data on complaints of substandard breeder operations, only scattered reports such as those cited in the 2010 OIG report and alleged in the petition.

- * Where is the hard evidence of an existing problem? The rule change is driven by an alleged crisis of unscrupulous dog breeders selling sick pets, yet the rule will place restrictions on nearly every warm blooded species sold as a pet - cats, rabbits, guinea pigs, horses, miniature donkeys, miniature horses and so forth - where virtually zero problems exist. This is not a realistic solution to a problem that is at this point still undefined.

- * There is no known study correlating online pet sales where the buyer failed to personally inspect the dog to the overall incidents of unhealthy dogs. If problems are not identified, they cannot be resolved and proposing arbitrary regulations is reckless

- * While the Internet has increased opportunities for sales this does not translate to a need for the federal government to monitor and regulate the purchasing habits or prerogatives of the public. For the majority of pet breeders, selling online and shipping "sight unseen" to the buyer triggers a licensing requirement. In many cases this places unnecessary restrictions on both buyer and seller. Types of pets and specific breeds are not evenly distributed throughout the nation in order to make local buying achievable. It is not practical to expect a buyer to travel hundreds of miles, or fly across country, to purchase the pet of his choice. There are checks and balances in place for "sight unseen" transactions such as personal references and the veterinary health certificate required for shipping.

- * Selling offsite can also trigger a licensing requirement. If the buyer and seller meet at a park, fair, adoption day, or arranged location to reduce travel time, the buyer has an opportunity to see the animal before purchase and has the option to decline to take custody. Being offsite should not trigger cost prohibitive federal licensing requirements for the seller. Even when on your property the buyer is not required to have access to all areas of your business or residence. If the point is for the buyer to see the pet then why does it matter where this viewing takes place?

- * In the published "Regulatory Impact Analysis" APHIS admits some affected entities may need to make infrastructural and/or operational changes in order to comply with the standards. APHIS goes on to say that neither the number of entities that would need to make changes, nor the extent of those changes is known; and therefore, the cost associated with any alterations is also unknown. Despite this incomplete information APHIS prepared an estimate summarizing a maximum cost of \$5.5 million to be imposed on currently unlicensed facilities in order to bring them under federal regulation. The estimate is based on currently licensed wholesale breeders who were found not to be in compliance and therefore makes assumptions that some type of building or infrastructure already exists. For example, the estimated shelter construction cost is only for purchase of dog houses. The estimate omits, among other items, the construction costs for a basic building with temperature controls, diurnal lighting, drainage systems,

washroom, and perimeter fencing. As a basic building would average \$40,000 this alone represents an additional imposed cost of \$60 million for the 1500 estimated breeders.

* The number of affected facilities in the cost estimate is greatly underestimated, especially when one considers the low threshold number of breeding females that will trigger licensing requirement. The APHIS estimate of 1500 newly regulated breeders nationally is arbitrarily based on 3 states with licensed breeders (Iowa, Kansas, and Missouri) and is only for dogs. No organization in the entire nation has an accurate count of the number of small breeders/sellers potentially impacted by this rule and certainly none exists for multiple species. In the published "Regulatory Impact Analysis" APHIS admits they do not currently have enough information to fully assess the impact of the proposed rule, particularly information on the number of entities that may be affected or breadth of operational changes that may result.

* Forcing conscientious breeders to give up their hobby would lead to the detriment of purebred dogs and cats rather than enhance their welfare. USDA/APHIS should not expand its regulatory scope to include retail sellers. The existing definition for "retail pet store" should not be revised.

http://saova.org/APHIS_comments.html