United States Department of Agriculture

Marketing and Regulatory Programs

Animal and Plant Health Inspection Service

Petition for Rulemaking of

THE HUMANE SOCIETY OF THE UNITED STATES,
HUMANE SOCIETY VETERINARY MEDICAL ASSOCIATION, and
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Petitioners,

to

THE HONORABLE TOM VILSACK, SECRETARY
UNITED STATES DEPARTMENT OF AGRICULTURE and
EDWARD M. AVALOS, UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

Kimberly Ockene
Senior Attorney
The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037
Telephone: (202) 452-1100
Facsimile: (202) 778-6132

Stijn van Osch
Amanda E. Potter
Jessica R. Munitz
Lawrence A. West
Latham & Watkins LLP
Counsel for the Humane Society of the United States
555 Eleventh Street, NW
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202 637-2201

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Petition to the United States Department of Agriculture for Rulemaking under the Animal Welfare Act to Increase Minimum Standards at Commercial Dog Breeding Facilities

I. INTRODUCTION AND NECESSITY OF REGULATION UNDER AWA

This Petition is submitted to the United States Department of Agriculture ("USDA," "Department," or "Agency") and its Animal and Plant Health Inspection Service ("APHIS") on behalf of the Humane Society of the United States ("HSUS"), the Humane Society Veterinary Medical Association ("HSVMA"), and the American Society for the Prevention of Cruelty to Animals ("ASPCA") (collectively, "Petitioners") to request necessary enhancements to existing regulatory restrictions on the inhumane treatment of dogs living in dealer[1] housing facilities.[2]

The Animal Welfare Act, 7 U.S.C. §§ 2131 et seq., ("AWA" or "Act") requires that minimum standards of care and treatment be provided for dogs bred for commercial sale. The Act requires the USDA to promulgate and enforce regulations to ensure the humane treatment of these animals. To satisfy the Department's obligations under the AWA, additional and amended regulations are necessary at this time. In particular, new regulations are needed with regard to (1) the physical conditions at commercial breeding facilities, including the size, stacking, and flooring of primary enclosures[3] (pens and cages) and temperatures inside; and (2) canine health

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1 A "dealer" is defined as:

> any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: . . . any dog at the wholesale level for hunting, security, or breeding purposes. This term does not include: A retail pet store . . .; any retail outlet where dogs are sold for hunting, breeding, or security purposes; or any person who does not sell or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and who derives no more than $500 gross income from the sale of animals other than wild or exotic animals, dogs, or cats during any calendar year.

9 C.F.R. § 1.1 (2015).

2 A "housing facility" is defined as "any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals." *Id*.

3 A "primary enclosure" is defined as "any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, or hutch." *Id*.

and welfare in commercial breeding facilities, including access to exercise areas, socialization, breeding practices, preventive care, grooming, access to potable water, and treatment of retired dogs. Proposed regulations to address these issues are attached hereto as Exhibit A and discussed in detail below. A survey commissioned by the ASPCA, attached hereto as Exhibit K, shows that a large majority of Americans believe that stronger standards of care, such as the ones proposed in this Petition, are necessary to ensure the humane treatment of dogs in commercial breeding facilities.

The current USDA regulations do not adequately protect dogs from harmful breeding practices. Approximately 100,000 dogs are kept solely for breeding purposes in large USDA-licensed dealer facilities, referred to in this Petition as commercial breeding facilities.[4] Many of these dogs spend their years living in filthy and crowded primary enclosures (cages or other structures used to restrict the dogs to a limited amount of space) with little thought given to their physical health and psychological well-being. Specifically, dogs in commercial breeding facilities often must live in objectively harmful conditions that nonetheless comply with current regulations:

- Wire flooring in their primary enclosures. Many commercial breeding facilities house their dogs in primary enclosures with wire or gridded flooring. This type of flooring can cause severe physical and emotional distress for dogs who spend the vast majority of the day—often their entire day—locked in their cages, as the majority of dogs at commercial breeding facilities are forced to do. We propose a requirement that the dogs' primary enclosures have solid or slatted floors, and that they may have plastic-coated wire flooring (e.g., Tenderfoot) only if that type of flooring covers space that *exceeds* the minimum mandatory space allotment for each dog in the enclosure.

[4] *See* ASPCA, Economic Impact of Enhanced Veterinary Care Requirements for Commercial Dog Breeders Regulated under the Animal Welfare Act (2015) (Exhibit J) [hereinafter ASPCA, Economic Impact Analysis (Exhibit J)]; Humane Soc'y, *Puppy Mills: Facts and Figures* (2014), http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy-mills-facts-figures.pdf. The recently passed Retail Pet Store Rule expanded the reach of the breeding regulations, making reform of those regulations even more necessary and potentially even more effective. *See also* Animal Welfare; Retail Pet Stores and Licensing Exemptions, 78 Fed. Reg. 57,227 (Sept. 18, 2013) (amending 9 C.F.R. §§ 1.1, 2.1).

- Primary enclosure size. Currently, dogs can be kept in small cages for their entire lives, or are packed in enclosures with other dogs. Scientific understanding of dogs' needs has grown, and it is clear they need larger enclosures to stay healthy mentally and physically. We propose a requirement that the dogs' primary enclosures be at least two times the currently mandated enclosure size.

- Stacked primary enclosures. Many dealers stack their primary enclosures to maximize the number of breeding dogs they can contain in a facility. However, stacking can prevent proper air flow, block light, make cages difficult to clean, hinder or eliminate access to exercise areas, and limit operators' ability to monitor and access the dogs. Moreover, stacking encourages overcrowding, which can lead to the rapid transmission of disease especially in poorly ventilated facilities. In some cases, stacking allows feces, urine, and other filth from higher cages to fall onto the dogs in the lower enclosures. We propose a prohibition on the stacking of primary enclosures.

- Temperature regulation. Under current regulations, dogs kept inside or in sheltered facilities only need to be protected from extreme temperatures, and actually allow temperatures to fall below 45 or rise over 85 °F for up to four hours at a time. These regulations allow for dogs to be kept under extreme temperatures for prolonged periods of time, to the detriment of their health. We propose that the four-hour rule be eliminated and that temperatures be required to simply be kept between 45 or 50 ºF (depending on the dog breed) and 85 ºF.

- Inhumane breeding practices and unlicensed practice of veterinary medicine. Dealers often breed their female dogs as early and often as possible to maximize their number of puppies and consequently their profits. This almost constant breeding, especially starting at young ages, can be detrimental to the dogs' health. Dealers frequently fail to screen their dogs for hereditable disorders, resulting in generations of dogs with unchecked hereditary defects that can cause painful lives and early death. Some inhumane, commercial breeding facilities allow personnel without veterinary training to perform surgical births, despite existing prohibitions under some state laws. Such surgeries can lead to severe pain, infections, and death. To address these harmful breeding practices, we propose: (1) a limitation on how often a female dog may be bred; (2) a minimum breeding age specific to the breed or size of the dog; (3) a reasonable screening program for known inheritable defects and a prohibition on breeding dogs that are known to have significant inheritable or other potentially disabling health defects; (4) a requirement that surgical births and other surgical procedures be performed by licensed veterinarians; and

(5) a requirement that female dogs are examined on a regular basis for conditions that could be exacerbated by breeding.[5]

- A lack of preventive care. Dogs are susceptible to a multitude of highly infectious deadly diseases, many of which can be easily prevented by vaccines and other preventive measures.[6] Because current law does not require all advisable vaccinations, many dealers elect not to vaccinate. We propose a requirement for adequate health and preventive care for dogs in commercial breeding facilities. This should include an annual, hands-on examination for each breeding dog, all vaccinations recommended by the most current version of the AAHA Canine Vaccination Guidelines, as well as preventive medication for heartworm disease, intestinal parasites, and flea and tick control.

- A lack of grooming. Dogs in some high-volume commercial breeding facilities are rarely – if ever – bathed or groomed. Without proper grooming, certain breeds of dog can face overheating and serious risks to the health of their skin, fur, and feet.[7] The lack of grooming can even limit their ability to see and move. We propose a requirement that all dogs receive grooming, including nail trimming and dental care, at least twice a year.

- A lack of exercise and socialization. Dogs spending their lives in commercial breeding facilities are often deprived of any time outside of their primary enclosures for opportunities to exercise, play, or interact with humans or other compatible dogs. Yet studies prove that a lack of exercise and positive socialization can cause significant physical, emotional, and behavioral problems. We propose requirements that dogs have unfettered access to exercise areas and meaningful daily socialization with humans and compatible dogs, subject to limited exceptions.

- Inhumane treatment of retired dogs. Commercial breeding facilities often inhumanely euthanize or abandon their dogs that are no longer able to reproduce and thus bring them revenue, even though those dogs may not be close to the end of their natural lifespan. Some breeders often do the same with puppies that they deem too old to sell or that have disabilities or other issues leading breeders to deem such dogs unsellable. We propose a requirement for humane treatment of retired breeding dogs and unsold

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5 In this Petition, the term "veterinarian" means a person who is trained and/or licensed to practice veterinary medicine or such person's trained employee working under the supervision or subject to the review and approval of such person.

6 Link V. Welborn et al., *2011 AAHA Canine Vaccination Guidelines*, 47 J. Am. Animal Hosp. Ass'n 1, 3-9 (2011); *see also* World Small Animal Veterinary Ass'n, *WSAVA Vaccination Guidelines Group*, http://www.wsava.org/sites/default/files/WSAVA_OwnerGuidelines_September2010.pdf.

7 Erin Bacon, *Rescued Puppy Mill Dogs Treated in Charlotte*, Charlotte Observer, June 13, 2014, http://www.charlotteobserver.com/2014/06/13/4975932/rescued-puppy-mill-dogs-treated.html.

puppies through efforts to have the dogs adopted or placed with rescue organizations.

- A lack of continuous access to potable water. Current regulations do not require that dogs have constant access to water, and also do not specify that the water may not be frozen. However, it is clear that such access is necessary to meet the dogs' basic health and comfort requirements. We propose a requirement that all dogs be provided with continuous access to liquid, potable water.

Petitioners are not the only ones working to implement the above humane standards, which are supported by scientific research. The regulations proposed in this Petition are consistent with standards agreed upon as appropriate to meet the basic needs of dogs in large-scale commercial breeding facilities by pet industry representatives during recent discussions with HSUS and ASPCA. Given the wave of ordinances at the local level banning or greatly restricting the retail sale of puppies,[8] the pet industry—including retail stores that have traditionally purchased puppies from large commercial breeding facilities to resell—has come to realize that consumers care greatly about how their dogs are bred and raised. Some of these pet store chains therefore came to the table to negotiate with HSUS and ASPCA regarding upgraded breeding standards. These negotiations led to an agreed-to set of minimum standards of care appropriate for dogs in breeding facilities.[9] The proposed regulations discussed in this Petition closely track those standards.

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[8] *See* Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sales of Puppies (Exhibit B); *see also* Best Friends Animal Society, Jurisdictions with Retail Pet Sale Bans, http://bestfriends.org/Resources/Jurisdictions-With-Retail-Pet-Sale-Bans (last visited Feb. 5, 2015) (providing links to all local ordinances). For example, Palm Beach County, Florida prohibits pet stores from displaying, selling, trading, delivering, bartering, leasing, renting, auctioning, giving away, transferring, offering for sale or transfer, or otherwise disposing of dogs. The Chicago, Illinois ordinance limits resale to dogs obtained from animal control centers; animal care facilities; kennels; pound or training facilities operated by any subdivision of the local, state, or federal government; humane societies; and rescue organizations. And the Albuquerque, New Mexico ordinance prohibits the sale of puppies to pet stores, animal brokers, and other animal dealers.

[9] Press Release, Safe Healthy Dogs, *Pet Industry and Animal Welfare Organizations Join Forces to Address Puppy Mill Abuse*, http://safehealthydogs.com/?page_id=11 (last visited Aug. 17, 2015).

The thousands and thousands of dogs living in inhumane, commercial breeding facilities are not the only ones hurt by the excessively lenient minimum standards in the USDA's existing regulations. Responsible breeders, individuals who purchase puppies from large commercial breeders, animal shelters, and animal rescue groups are all negatively impacted.

Individuals and families who choose to purchase puppies from commercial breeding facilities (directly or via pet stores) are harmed by the low minimum requirements in the existing regulations. These buyers often take home puppies who are ill, injured, emotionally distressed, unmanageable, or otherwise not able to function as healthy pets. HSUS receives hundreds of calls and emails each year from pet owners suffering from emotional distress themselves and being financially injured because they unwittingly purchased sick or behaviorally unmanageable puppies from irresponsible—but licensed—breeders, or from pet stores who source their dogs from licensed inhumane commercial breeding facilities.[10]

Public comments to the recently-adopted Retail Pet Store Rule[11] show that responsible breeders desire additional regulation of commercial breeding facilities. These breeders are at a commercial disadvantage to irresponsible breeders because they choose to provide their dogs with more humane—and thus sometimes somewhat more expensive—housing, medical care, and grooming. They also tend to breed their dogs at later ages and less frequently. The proposed rules in this Petition incorporate many practices already adopted by responsible breeders, and therefore should help alleviate their competitive disadvantage by ensuring that all breeders treat their dogs humanely.

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[10] Press Release, Humane Soc'y, *The HSUS Releases Five-Year Study of Nearly 2,500 Puppy Buyer Complaints* (Sept. 14, 2012), http://www.humanesociety.org/news/press_releases/2012/09/five-year-puppy-mill-study-091212.html; *see also* Humane Soc'y, *Sample Complaints Regarding USDA Licensed Breeders* (Sept. 2, 2014) (Exhibit C).

[11] Animal Welfare, 78 Fed. Reg. 57,227.

The psychological and health issues that plague dogs from inhumane, commercial breeding facilities—including infectious diseases, joint conditions, behavioral problems, and a host of congenital and hereditary diseases—are a direct result of the irresponsible breeding practices, filthy and overcrowded conditions, and lack of socialization and care endemic to these facilities. A 2013 study published in the *Journal of American Veterinary Medicine* concluded that obtaining dogs from pet stores, which mostly buy their puppies from USDA-licensed commercial breeding facilities, versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior.[12] Similarly, a 2011 study that analyzed behavioral characteristics of 1,100 breeding dogs rescued from "commercial breeding establishments"[13] found that the dogs had significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched, even after living in their new homes an average of two years.[14]

With the rise of large-scale commercial breeding facilities, the negative impacts on puppies and their owners have become so problematic that many states have passed "puppy lemon laws."[15] A handful of states have also enacted laws that restrict the sale of commercially-

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12 Franklin D. McMillan et al., *Differences in Behavioral Characteristics Between Dogs Obtained as Puppies from Pet Stores and Those Obtained from Noncommercial Breeders*, 242 J. Am. Vet. Med. Ass'n 1359 (2013) [hereinafter McMillan JAVMA Article]. The authors concluded, based on their findings, that they could not recommend that puppies be obtained from pet stores. *Id.* at 1363.

13 *See id.* at 1360, stating that "Most puppies sold by pet stores in the United States are purchased from brokers, who may themselves be breeders but overwhelmingly acquire their puppies from high-volume breeding facilities, or [Commercial Breeding Establishments], located throughout the United States. Conditions in the CBEs, which supply tens of thousands of puppies to retail pet stores each year, vary widely. Conditions in CBEs range from modern, clean, and well-kept to squalid, noxious, and gravely detrimental to animal health and welfare."

14 Franklin D. McMillan et al., *Mental Health of Dogs Formerly Used as "Breeding Stock" in Commercial Breeding Establishments*, 135 Applied Animal Behav. Sci. 86 (2011).

15 *See* McMillan JAVMA Article, *supra* note 12; Am. Vet. Med. Ass'n, *Pet Purchase Protection Laws*, https://www.avma.org/Advocacy/StateAndLocal/Pages/pet-lemon-laws.aspx (last updated June 2014).

bred puppies by pet stores,[16] and more than seventy local ordinances have been passed to ban or restrict the sale of commercially-bred puppies because of known harms to dogs and consumers.[17]

Animal shelters, humane societies, and larger communities are also negatively impacted because conditions and practices of commercial breeding facilities are currently under-regulated. Individuals who buy puppies directly or indirectly from these breeders may abandon or relinquish to shelters puppies that become sick or exhibit significant behavioral problems. Approximately 3.9 million dogs enter animal shelters nationwide every year, and each year approximately 1.2 million dogs are euthanized.[18] In addition, shelters and humane societies often shoulder the cost of rescuing and treating animals from inhumane breeding facilities, even though the costs of improved care do little to affect breeders' bottom lines.[19]

Given the harm to dogs, responsible breeders, buyers, and the larger community caused by permissible yet harmful practices at many commercial breeding facilities, the Petitioners respectfully request that the USDA promulgate the regulatory enhancements recommended in this Petition.

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16 *See* Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sales of Puppies (Exhibit B).

17 *See id.*

18 Am. Soc'y for the Prevention of Cruelty to Animals ("ASPCA"), *Pet Statistics*, https://www.aspca.org/about-us/faq/pet-statistics (last visited Dec. 11, 2014).

19 A 2011 HSUS study found that animal shelters and rescue groups with which the HSUS worked to help treat and place dogs rescued from inhumane, commercial breeding facilities spent an average of $259 per dog for veterinary expenses as part of the rescue. Humane Soc'y, *Veterinary Problems in Puppy Mill Dogs* (2012), http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/veterinary_problems_puppy_mills.pdf. ASPCA has found that rescues and shelters spend an average of $25.00–$39.00 for cost of care per dog per day when dogs are held pending the outcome of criminal proceedings. To calculate the cost of care, ASPCA looked at its involvement in two recent puppy mill rescues. For each rescue it calculated the amount it had spent on shelter supplies, veterinary care, staffing, and travel, and divided that by the total number of animals involved. *See* ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4 (discussing effect on bottom line) & Table 3 (calculating rescue cost).

II. INTERESTS OF PETITIONERS

A. Identity of Petitioners

Petitioner HSUS, headquartered in the District of Columbia, is the largest animal protection organization in the United States, with millions of members and supporters. Since its establishment in 1954, this non-profit organization has worked to combat animal abuse and exploitation and promote animal welfare. As one of its core campaigns, HSUS actively strives to improve the lives and end the suffering of the hundreds of thousands of adult dogs and puppies confined in inhumane, substandard breeding facilities commonly referred to as "puppy mills." To accomplish these goals, HSUS engages in education and advocacy to expose the cruelty involved in these breeding operations, and to encourage consumers not to purchase puppies born in such facilities. HSUS also works to achieve legislative and regulatory reforms that establish basic animal care standards for dogs kept in commercial breeding facilities, and to provide recourse for consumers who are sold sick or injured puppies. HSUS also regularly partners with local and state law enforcement in the investigation of breeding facilities that are operating in violation of cruelty codes or standards of care by assisting law enforcement with raids of these facilities and providing medical and other care for seized animals.

HSUS's strong interest in reducing the suffering of animals in inhumane, commercial breeding facilities reflects the general public's concern about these facilities. HSUS receives hundreds of telephone and email communications annually from consumers who have unwittingly purchased sick puppies who were bred in inhumane, commercial facilities, many of which concern USDA-licensed breeders. Accordingly, HSUS's staff works to dispel the commonly held misconception that if a facility is USDA-licensed, it must be a humane facility. If the Agency implements the reforms called for in this Petition, AWA licensing would hold considerably more meaning and offer much more protection for dogs than it does right now.

Petitioner HSVMA is a national organization of veterinary professionals, headquartered in the District of Columbia, that educates the public and others in the veterinary profession about animal welfare issues. HSVMA provides direct care programs for animals in need and is actively involved in advocating for better public policies for animals. One of HSVMA's focus areas addresses the inhumane conditions endured by adult dogs and puppies confined in inhumane, commercial breeding facilities. HSVMA works with its team of veterinary advocates for stronger oversight of these facilities and provides veterinary medical expertise to analyze the conditions at inhumane, commercial breeding facilities and their impact on dogs' health and welfare. In addition, HSVMA representatives frequently speak on this issue to veterinary audiences to increase awareness in the profession and advocate for change.

Petitioner ASPCA was the first humane society to be established in North America and is, today, one of the largest in the world. ASPCA is headquartered in New York City and was founded in 1866 on the belief that animals are entitled to kind and respectful treatment at the hands of humans, and must be protected under the law. ASPCA maintains a strong local presence, and with programs that extend its anti-cruelty mission across the country, the organization is recognized as a national animal welfare organization. Petitioner ASPCA is a privately funded 501(c)(3) not-for-profit corporation, and boasts more than 2.5 million supporters across the country.

ASPCA invests significant resources in and dedicates considerable programmatic focus to reforming the practices of the puppy mill industry and improving the lives of dogs used for commercial breeding.[20] To effectuate change, ASPCA engages in education and advocacy to expose the cruelty involved in these breeding operations under current law and regulation and to

[20] ASPCA defines "puppy mill" as a large-scale, commercial breeding establishment that prioritizes profit over the well-being of the dogs.

encourage consumers not to purchase puppies born in such facilities. In 2011, ASPCA launched its national No Pet Store Puppies campaign, which aims to reduce the demand for puppy mill puppies by urging consumers to pledge not to buy any items—including pet supplies—from pet stores or on websites that sell puppies. As part of its No Pet Store Puppies campaign, ASPCA has compiled a database of over 17,000 photographs of USDA-licensed facilities taken by USDA during routine inspections. The photos document conditions that violate the law, and in some cases, conditions that are legal, but that ASPCA considers inhumane.

ASPCA works to achieve legislative and regulatory reforms that establish basic animal care standards for dogs kept in commercial breeding facilities, and to provide recourse for consumers who are sold sick or injured puppies. ASPCA also partners with local and state law enforcement in the investigation of breeding facilities that are operating in violation of cruelty codes or standards of care by assisting law enforcement with raids of these facilities and providing forensic services, placement assistance, and medical and other care for seized animals.

B. Legal Basis for the Petition

Petitioners submit this Petition for rulemaking pursuant to the Right to Petition Government Clause in the First Amendment to the United States Constitution; the Administrative Procedure Act, 5 U.S.C. § 553(e); and USDA's implementing regulations, 7 C.F.R. § 1.28.[21] Petitioners request that the Secretary take action consistent with Congress' statement of policy in the AWA, 7 U.S.C. § 2131, and USDA's obligations under that statute, to effectively regulate to ensure the humane treatment of animals. Specifically, Petitioners request that USDA enhance restrictions on the inhumane treatment of dogs in dealer housing facilities by

[21] Petitions by interested persons in accordance with 5 U.S.C. § 553(e) for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule. All such petitions will be given prompt consideration and petitioners will be notified promptly of the disposition made of their petitions.
7 C.F.R. § 1.28 (2015).

adopting the regulations recommended herein pursuant to 7 U.S.C. § 2151, and which are attached hereto as Exhibit A.

The proposed regulations are not only permissible under USDA's authority, given that AWA Section 21, 7 U.S.C. § 2151, authorizes the Secretary to "promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this chapter," but are also necessary under USDA's statutory *obligation* to create minimum standards for the humane care and treatment for dogs in commercial breeding facilities. AWA Section 13, 7 U.S.C. § 2143, requires the Secretary to "promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers."[22] These standards must include minimum requirements for the housing, sanitation, ventilation, and exercise of dogs, among others.[23] USDA therefore has an affirmative obligation to update its regulations when research shows that current regulations do not sufficiently provide for the humane treatment and care of dogs.

This is the case today. Many of the regulations promulgated under the AWA were adopted in the 1990s and early 2000s, and some of USDA's historical positions are based on outdated research. For example, USDA stated in the late 1990s that there was no scientific evidence suggesting that wire floors were harmful to dogs.[24] USDA therefore did not ban wire flooring. However, scientific evidence, along with evidence from USDA's own inspections, now conclusively shows that wire floors cause significant physical and emotional harm to dogs in inhumane, commercial breeding facilities, as discussed in Section III.A of this Petition. USDA

[22] 7 U.S.C. § 2143(a)(1).

[23] 7 U.S.C. § 2143(a)(2)(A), (B).

[24] Humane Treatment of Dogs and Cats, 63 Fed. Reg. 3017, 3019 (Jan. 21, 1998); Animal Welfare Standards, 64 Fed. Reg. 19,251, 19,251-52 (Apr. 20, 1999).

must update its regulations to ensure that the minimum standards imposed by its regulations are consistent with existing scientific findings.

Amending federal law and regulations to increase the protection of dogs in commercial breeding facilities is nothing new. Congress discussed the "abuses committed by puppy mills" when passing amendments to the AWA nearly forty years ago.[25] USDA has also recognized that amendments to the AWA in the 1980s were intended to provide for the "enhanced well-being of animals."[26] Further, enhanced regulations to protect breeding dogs align with USDA's recent improvements to the enforcement of its regulations at commercial breeding facilities,[27] as well as efforts to regulate large-scale commercial breeders selling directly to consumers over the internet.[28] Petitioners therefore respectfully request that USDA continue to improve the protection of dogs at commercial breeding facilities and ensure that the Agency is carrying out its obligations under the AWA, by promulgating new regulations regarding wire flooring, stacked cages, enclosure size and temperature, access to exercise areas and potable water, socialization, breeding practices, veterinary care and grooming, and treatment of retired dogs and unsold puppies. As demonstrated in the sections below, the current regulations do not adequately protect dogs from proven harms to their well-being.

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25 H.R. Rep. No. 94-801, at 12 (1976), *reprinted in* 1976 U.S.C.C.A.N. 758, 764 (discussing Animal Welfare Act Amendments of 1976).

26 Animal Welfare Standards, 56 Fed. Reg. 6426, 6428 (Feb. 15, 1991).

27 *See* USDA, Office of Inspector Gen., Audit Report 33002-4-SF, *Animal and Plant Health Inspection Service, Animal Care Program, Inspections of Problematic Dealers* 1 (May 14, 2010). The report found that enforcement against commercial breeding facilities was ineffective. HSUS in this Petition also wants to ensure the underlying regulations are sufficient to protect animal welfare.

28 *See* Animal Welfare, 78 Fed. Reg. 57,227.

III. PHYSICAL CONDITIONS IN COMMERCIAL BREEDING FACILITIES

A. Wire Flooring in Primary Enclosures

USDA's current regulations permit the use of wire flooring in primary enclosures, subject to some restrictions. But despite these restrictions, dogs in commercial breeding facilities still suffer serious physical and emotional harm due to wire or gridded flooring.

1. Wire Flooring Is Currently Permissible Under the USDA's Regulations

Prior to 1998, federal regulations required generally that primary enclosures have floors that were constructed in a manner that protected the dogs' feet and legs from injury. If floors were of mesh or slatted construction—or wire—then the only requirement was that the floors not allow dogs' feet to pass through any openings therein.[29]

In 1998, APHIS published new standards specifically defining acceptable wire flooring. Under these standards, all primary enclosures with suspended floors constructed of metal strands are required to have strands either greater than 1/8th of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass, and must be strong enough so that the floor cannot sag or bend between the structural supports.[30]

Although the 1998 regulations were a step in the right direction, they remain inadequate to ensure the humane treatment of dogs in commercial dealer facilities.

2. Current Flooring Regulations Do Not Protect Against Known Harms

Scientific evidence and USDA's own data show that the existing minimum requirements regarding flooring in primary enclosures are insufficient to protect the physical and psychological well-being of dogs in commercial breeding facilities. Dogs in these facilities frequently experience leg injuries and paw swellings. These are among the most common

[29] 9 C.F.R. § 3.6(a)(2)(x) (1997) (originally added in 1991).

[30] 9 C.F.R. § 3.6(a)(2)(xii) (2014); *see also* Humane Treatment of Dogs and Cats, 63 Fed. Reg. at 3017-18.

veterinary problems noted by USDA inspectors.[31] These injuries and the related harms described below are preventable and should be addressed by USDA now in a rulemaking.

Dogs and related species prefer solid flooring, and if given the choice will expend effort to move from a wire mesh floor to a solid floor.[32] This demonstrated preference for solid flooring is not surprising given the well-documented physical harms wire flooring can cause. These include:

- Damage to paw pads due to long-term contact with wire under the pressure of the dogs' body weight. This damage can include chronic painful sores, cuts, cracks, or bruising to the paw pads, which put the dogs at risk of pain and infection.[33]

- Splaying of the paws in order to maintain balance on wire flooring.[34] Such splaying can cause painful inter-digital cysts, swellings, lesions,

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31 *See* Photographs of Wire Floors and Injured Paws (Exhibit D-1); *see also* Excerpts from USDA Inspection Reports Regarding Paw Injuries (Exhibit E).

32 Mark J. Prescott et al., *Eighth Report of the BVAAWF/FRAME/RSPCA/UFAW Joint Working Group on Refinement: Refining Dog Husbandry and Care*, 38 Lab Animal Supp. 1, 28 (2004) ("[T]he majority of the Working Group members . . . agree that dogs prefer solid flooring. . . . Wire mesh flooring systems are not recommended."); Tarja Koistinen & Jaakko Mononen, *Blue Foxes' Motivation to Gain Access to Solid Floors and the Effect of the Floor Material on Their Behaviour*, 113 Applied Animal Behav. Sci. 326 (2008) (demonstrating that foxes on wire mesh floors are willing to work to gain access to solid floors; on the solid floor, the foxes performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting or exploring with their muzzles, and jumping); Graham Moore, *Assessment of Animal Housing Needs in the Research Setting Using a Peer-Reviewed Literature Approach: Dogs and Cats*, Dev. of Science-Based Guidelines for Lab. Animal Care 70 (2004), http://www.ncbi.nlm.nih.gov/books/NBK25397/pdf/TOC.pdf. (explaining a Council of Europe Expert Group's view that preferred flooring for dogs was solid and continuous, with a smooth but nonslip finish, and that open flooring systems such as grids or mesh should be avoided, and that all dogs should be provided with a comfortable solid resting area; pups and bitches with litters should not be held on an open floor system); *see also* Humane Soc'y Vet. Med. Ass'n ("HSVMA"), *Veterinary Report on Puppy Mills*, 6 (2013), http://www.hsvma.org/assets/pdfs/hsvma_veterinary_report_puppy_mills.pdf [hereinafter HSVMA Report]; Hearing on HB 2525 ("Dog Law") Before the H. Agric. & Rural Affairs Comm., Reg. Sess. 2007-2008 (Pa. 2008) (statement of Dennis Wolff, Sec'y, Pa. Dep't of Agric.), http://media.philly.com/documents/House+Bill+2525+testimony.pdf; Lila Miller, Vice President of Shelter Medicine, ASPCA, Comment on Pennsylvania Wire Floor Regulations (May 25, 2010) (Exhibit F).

33 Humane Soc'y, *Problems with Grid Flooring in Dog Kennels* (2010), http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/wire_grid_floor_pm_fact_sheet.pdf [hereinafter Humane Society Fact Sheet]; Humane Soc'y, *A Horrible Hundred: Problem Puppy Mills in the United States*, HSUS Puppy Mill Investigations and Exposés, Paper 8 (2013), http://animalstudiesrepository.org/hsus_pmc_iae/8 [hereinafter *A Horrible Hundred*] (including many examples of problems with dogs housed on wire flooring).

34 *See* Humane Society Fact Sheet, *supra* note 33.

masses, and sores, which can cause pain and infection and disrupt the dogs' normal gait. This in turn can cause skeletal problems.[35]

- Overgrown nails due to limited contact with solid surfaces that normally wear down nails. Because a dog's nails grow in a curved manner, they can become painfully embedded in the dog's paw pads.[36] This can lead to infection, causing pain and potentially life-threatening medical conditions.[37] Long nails also contribute to abnormal gait. For example, during a 2012 inspection of an inhumane, commercial breeding facility in Guide Rock, Nebraska, USDA inspectors found a Basset Hound with nails so long that they caused "rotation of the feet" when the dog was standing.[38] Moreover, long nails can become caught in or around the wire flooring. If a dog's nails get caught in the flooring, she can become trapped in place. Or, in an effort to free herself, a dog may accidently tear off her caught nails, causing bleeding, great discomfort, and risk of infection.[39] Long nails can also cause foot ulcerations and arthritis.[40]

- Caught or torn-out fur. Many dogs in large commercial breeding facilities are not regularly, or ever, groomed, as addressed in this Petition below. As a result, non-shedding dogs in commercial breeding facilities often have overly long and/or matted fur. This fur can get caught in, or even grow around, wire flooring. When this happens, a dog can get pinned in one spot, preventing movement and access to food and water.[41] If she fights to free herself, some of her fur and skin can be ripped off.[42]

- Avoidance of normal behaviors. Wire flooring is uncomfortable to lie down on. Dogs kept on wire flooring avoid normal behaviors such as reclining to avoid the discomfort associated with lying down on this material.[43] As a result, the dogs spend an unnatural amount of time standing, which can cause joint and muscle stress.[44] Dogs may also restrict

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35 *Id.*

36 HSVMA Report, *supra* note 32, at 6.

37 Animal Rescue Corps, *End Puppy Mills*, http://animalrescuecorps.org/learn/puppy-mills/ (last visited Nov. 13, 2014) [hereinafter Animal Rescue Corps].

38 *See A Horrible Hundred*, *supra* note 33.

39 HSVMA Report, *supra* note 32, at 6.

40 Peter Ward et al., Inst. For Lab. Animal Research, Nat'l Research Council, *Recognition and Alleviation of Distress in Laboratory Animals* 66 (2008), http://grants.nih.gov/grants/olaw/NAS_distress_report.pdf.

41 *See* Animal Rescue Corps, *supra* note 37.

42 *See, e.g.*, Nat'l Puppy Mill Project, *America's Dirty Little Secret*, http://www.nationalpuppymillproject.org/ (last visited Nov. 20, 2014) (citing Janice Brown & Brendan Quealy, S*aving Animals One Pet Store at a Time*, Tails Pet Magazine, May 2012)).

43 HSVMA Report, *supra* note 32, at 6.

44 *See, e.g.*, Paul D. McGreevy et al., *A Note on the Effect of Changes in Flooring on the Behavior of Housed Rams*, 107 Applied Animal Behav. Sci., 355-60 (2007).

their activity level to avoid discomfort to their paws from the wire flooring. This can lead to obesity and other health problems.[45]

- Injuries from paws slipping through holes in the wire flooring. Despite current regulations requiring mesh to be small enough that paws cannot slip through, in practice slipping through remains a significant problem.[46] In some commercial breeding facilities, primary enclosures have holes in the wire flooring that may be small enough to protect larger dogs, but not small enough to protect smaller dogs and puppies. These smaller dogs and puppies risk their paws and even entire legs slipping through the openings. If these dogs struggle to pull their paws or limbs back through the holes, they can cause severe lacerations or even amputation.[47] For example, a USDA inspector found puppies at an inhumane, commercial breeding facility that sold puppies to a Danbury, Connecticut, pet store with paws so damaged from slipping through the holes in the wire flooring that the puppies' bones protruded through their skin, with exposed muscle and flesh.[48]

- Difficulty regulating body temperatures. Wire flooring exposes dogs to increased drafts, making it more difficult for the dogs to regulate their body temperatures.[49]

Wire or gridded flooring also causes significant psychological harm to dogs. A study of laboratory animals found that "[l]ong-term housing in cages with wire mesh floors where adequate bedding or nesting materials cannot be provided can also result in stress [and] distress . . ."[50] The stresses of uncomfortable confinement can foster anxiety, frustration, and depression, making dogs difficult to handle and hard to socialize in the future.[51] These in turn can also cause

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45 HSVMA Report, *supra* note 32, at 7.

46 *See* USDA, Animal & Plant Health Inspection Serv. [APHIS], Inspection of Jay & Doris Kragt, Certif. 42-A-1302 (cancelled) (Oct. 29, 2012), https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=304120942490381 [hereinafter Kragt Inspection Report] (observing large gap in floor to accommodate PVC pipe, but also allowing legs to slip through) (Exhibit I-3).

47 *E.g.*, APHIS, Inspection of Jacob Yoder, Certif. 31-A-0265 (Oct. 2, 2007).

48 APHIS, Inspection of Joseph & Rhoda Graber., Certif. 32-A-0350 (Aug. 12, 2012), https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=170120948011917 (Exhibit I-4).

49 HSVMA Report, *supra* note 32, at 6-7; *see also* Ward et al., *supra* note 40, at 66 (noting that "[f]or experimental and comfort reasons it is best to maintain animals in their thermoneutral zone").

50 Ward et al., *supra* note 40, at 66.

51 HSVMA Report, *supra* note 32, at 7.

dogs to withdraw, self-mutilate, bark frequently, or develop inappropriate repetitive behaviors.[52] Even if a dog is eventually taken off the wire flooring, such behaviors can persist.

For example, in December, 2013, a USDA inspector found a gravely injured dog entrapped in wire flooring at a commercial breeding facility in Iowa. In the report, attached as Exhibit I-1, the inspector noted that the dog "had a pad caught in the wire flooring, and she had aborted her puppies." The inspector also stated the dog had shallow breathing, pale gums and was lethargic. The dog's poor condition may have been caused by struggling to free herself to the point of exhaustion. And in May, 2014, an inspection of a commercial breeding facility in Missouri, attached as Exhibit I-2, found a Maltese who was unable to put weight on his right front leg due to a swollen, red paw, and a French Bulldog was found with nails so long that "some of the toenails were wrapping around the wire flooring and turning the toe digits in an abnormal manner." Both swollen feet and abnormally long nails are common problems at inhumane commercial breeding facilities where dogs are forced to stand on wire flooring continually.

The arguments advanced in favor of wire or gridded flooring cannot justify these physical and psychological harms. In theory, such flooring is designed to allow urine and feces to pass through, allowing for easier sanitation. However, mesh that is small enough to prevent paws from passing through is also too small to allow feces to pass through easily. As a result, fecal matter generally only passes through the wire flooring if it is mashed through by the dogs' feet or bodies. Feces then sticks to the dogs, and also sticks to the mesh matter, becoming caked onto the wire.[53] Once this fecal matter dries, it is very difficult to remove. Over time, the caked-on fecal matter may become the only solid surface on which the dogs can stand or rest, and dogs

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[52] *Id.*

[53] Humane Society Fact Sheet, *supra* note 33.

will do so. This is not only unsanitary, but it also conflicts with the natural instinct of dogs to live separately from their excrement. However, the dogs' overwhelming desire to feel the security of solid ground beneath their feet overrides this instinct for many dogs, and they make their home and resting place on their own old waste.[54]

Fecal matter that does manage to pass through the wire or gridded flooring accumulates in a pan, on the floor, or on the ground below the cage. This attracts flies and other insects. Such insects are not only a nuisance to the dogs, but they can also pose a serious health risk. Fly strike can result in open wounds, and insect bites increase the likelihood of disease transmission.[55]

All of the harms described in this Section can occur even if the wire flooring at a commercial breeding facility is in perfect condition. However, in practice flooring does not long remain in such condition. Vinyl or other coating wears off quickly.[56] Dogs also chew on the wiring, especially if they do not get adequate psychological stimulation, which is usually the case at large commercial dealer facilities. When dogs chew on the wiring, they can damage their teeth and ingest pieces of plastic coating, causing gastric upset.[57] Without coating, the wire is more uncomfortable and more dangerous.[58]

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54 Animal Rescue Corps, *supra* note 37; *see also* APHIS, Inspection of Debra Pratt, Certif. 42-A-1399 (Oct. 2, 2012), https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=277121002020412 [hereinafter Pratt Inspection Report] (observing feces hanging from the wire floors and fly infection) (Exhibit I-5); APHIS, Inspection of Kenneth & Leatrice McGuire, Certif. 42-A-0830 (cancelled) (Mar. 12, 2013), https://acissearch.aphis.usda.gov/acis_request/faces/DataRequest.jspx?output_type=1&request_type=0&request_id=71131347492862 [hereinafter McGuire Inspection Report] (similar) (Exhibit I-6); Kragt Inspection Report, *supra* note 47 (Exhibit I-3) (similar); APHIS, Inspection of Lavern Troyer, Certif. 33-A-0488 (Aug. 9, 2011) [hereinafter Troyer Inspection Report] (Exhibit I-7).

55 HSVMA Report, *supra* note 32, at 7.

56 *Id.* at 6-7; *see also* APHIS, McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing whelping dog on broken wire flooring with sharp points).

57 *See* Miller, *supra* note 32 (Exhibit F).

58 HSVMA Report, *supra* note 32, at 6-7; *see also* McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing whelping dog on broken wire flooring with sharp points).

3. The Regulations Need to Be Amended to Prevent Harm to Dogs from Wire Flooring

Given the physical and psychological harms caused by wire or gridded flooring discussed above, USDA should amend 9 C.F.R. § 3.6(a)(2) to require that the mandatory minimum space required for primary enclosures in commercial breeding facilities have solid floors, or flooring that is slatted if the slats are at least 3.5 inches in width with no more than half-inch gaps between slats.[59]

Notably, APHIS's own comments from an earlier rulemaking suggest that this proposed regulation is required under the AWA on the basis of discomfort alone. In 1998, in response to a public comment that the then-current regulations (which did not require coated wire and also did not specify that the flooring must not sag) were sufficient, the Agency wrote:

> While the current regulations regarding primary enclosures for dogs and cats require that the floors be constructed in a manner that protects the dogs' and cats' feet and legs from injury, the *regulations do not address the issue of basic comfort* for the animals. In enforcing the AWA, APHIS is charged with, among other things, promulgating standards to govern the humane care and treatment of animals covered by the law. Therefore, in carrying out the AWA, we believe that *we are responsible for establishing minimum levels of comfort* for regulated animals. We have come to believe that, while wire flooring may not actually cause injury to all dogs and cats housing on it, *such flooring is generally uncomfortable for these animals.*[60]

Now, sixteen years later, scientific research and USDA's inspection experience make absolutely clear not only that wire or gridded flooring in general causes great discomfort, but that it also causes significant injuries to animals housed on them, regardless of the coating and

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[59] This requirement mirrors some state law requirements, *e.g.*, Pennsylvania's. *See* 3 Pa. Stat. § 459-207(i)(3)(ii); *see also* Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

[60] Humane Treatment of Dogs and Cats, 63 Fed. Reg. at 3018 (emphasis added).

regardless of whether the flooring sags. Thus, based on its own rationale, the Agency should revise its regulations to prohibit wire flooring entirely, at least in the minimum mandated space.

The case for federal regulation prohibiting wire flooring in a dog's primary living space is amply supported by experts in the field. For instance, in the lab animal context, "the majority of the experts recommended solid or at least only partly gridded floors and agreed that dogs prefer 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."[61]

Many organizations oppose the use of wire flooring, including for example the Association of Shelter Veterinarians ("ASV").[62] An ASV task force charged with drafting guidelines for the humane care of animals in shelters concluded after almost two years of research that "[w]ire-mesh bottom floors in cages are not acceptable for cats and dogs."[63] The American Kennel Club ("AKC") also states its preference for solid flooring, and allows wire flooring only if a solid rest area is provided.[64] Similarly, the American Veterinary Medical Association ("AVMA") in its model breeding regulations states that dogs need at least some solid flooring in their cages.[65] And the Council of Europe[66] Expert Group, a group of experts

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61 Robert Hubrecht, *Comfortable Quarters for Dogs in Research Institutions*, Comfortable Quarters for Lab. Animals (9th ed. 2002).

62 *See* Miller, *supra* note 32 (Exhibit F).

63 *See id*. This research was performed with shelters in mind, but is even more relevant for commercial breeding facilities because animals are generally in shelters for only a short period of time, while thousands of animals in commercial breeding facilities spend the vast majority of their lives in their primary enclosures. *Id.*

64 American Kennel Club, *AKC's Care and Conditions of Dogs Policy*, https://images.akc.org/governmentrelations/documents/pdf/Safe_Housing.pdf (last visited Nov. 13, 2014) [hereinafter AKC Policy].

65 Am. Vet. Med. Ass'n (AVMA), *Model Bill and Regulations to Assure Appropriate Care for Dogs Intended for Use as Pets* (Apr. 9, 2010) ("Dogs should be provided with an area of solid flooring. A dog's welfare needs for comfortable housing are better met by a kennel with solid flooring.") [hereinafter AVMA Model Bill].

66 The Council of Europe is an international political institution with 45 member states, formed in 1949 to protect human rights and seek solutions to social problems facing European society, among other goals. *See* Wim deLeeuw, *The Council of Europe*: *What Is It?*, Dev. of Science-Based Guidelines for Lab. Animal Care, *supra*, at 32.

largely drawn from nongovernmental organizations, has stated that all dogs should at the very least be provided with a comfortable solid resting area within their enclosures.[67]

A federal regulation prohibiting wire flooring, at least in the minimum space required for primary enclosures, would find company with laws from six states which already require completely solid flooring.[68] Moreover, many more states require at least solid resting places in primary enclosures.[69]

Finally, enforcement of such a regulation would not be difficult. Violations would be easily detected through visual inspection.

B. Size of Primary Enclosures

1. The Minimum Required Size of Primary Enclosures Is Currently Too Small

A primary enclosure of the minimum size allowed under current regulations is far too small for a dog to live in for most of her life. Essentially, a dog may be kept in a small square wire box with sides a mere six inches longer than her body length, and a height only six inches higher than her body height.[70] This space is barely sufficient for most dogs to allow them to comfortably turn around and lie down in a clean spot, or move around if they so desire. Furthermore, these rules apply uniformly to all dogs, even though six inches is a much less meaningful amount of space for a larger dog.

Current science shows that these minimum primary enclosure sizes are too small to properly allow dogs to develop and behave normally. Simply put, "dogs . . . require sufficient

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67 Moore, *supra* note 32. Furthermore, the experts stated that pre-weaned pups and periparturient and suckling bitches should not be housed on an open floor system.

68 *See* Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

69 *See id.* However, Petitioners note that a solid resting area is inadequate to address their concerns regarding wire flooring. Providing only a small area of solid flooring in practice simply reduces the dogs' overall living space, as they will simply remain on the solid area and avoid the wire portions of the enclosure. *See supra* note 32 (citing sources noting that animals avoid wire flooring if solid flooring is available).

70 9 C.F.R. § 3.6(c)(1)(i), (iii).

space and exercise geared to promote their mental and physical health."[71] For instance, young puppies require more space since they are active and need extra space for play, and all dogs require a space that is large enough to allow them to retreat from distressing events.[72] Sufficiently large enclosures also allow for structures and enrichment to be added, and allow a dog to separate its sleeping, defecating, and exercise areas.[73] As many inspections have shown, under current regulations dogs have insufficient space to sit, stand, or lie down in a clean spot.[74] Dogs should also not be limited in vertical space; they should be able to stand on their hind legs without touching the roof of the enclosure.[75]

Small enclosures can lead to physical and behavioral problems that will ultimately affect buyers of puppies. For instance, confinement in cramped enclosures is associated with a higher prevalence of circling and other stereotyped behavior.[76] Additionally, enclosures that are too small—in combination with inadequate exercise regulations—lead to a lack of physical exercise for dogs, which results in a variety of physical problems.[77] Larger enclosures would ensure that dogs get a minimal amount of exercise if, for some reason, they cannot access the exercise area proposed in this Petition, such as during bad weather or very low temperatures.[78]

Various states already require a larger enclosure space that is better tailored to the needs of the dog. For example, Missouri regulations require that dogs be provided with enclosure space

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71 Moriah Hurt et al., *Promoting the Welfare of Kenneled Dogs: Space Allocations and Exercise*, Purdue Extension (Feb. 2015), https://extension.purdue.edu/extmedia/VA/VA-2-W.pdf.

72 Hubrecht, *supra* note 61; *see also* Kevin J. Stafford, *The Welfare of Dogs* 169-70 (2007).

73 Hubrecht, *supra* note 61.

74 Photographs of Dogs Who Have No Clean Spots Available to Lie Down (Exhibit D-2).

75 Hubrecht, *supra* note 61; *see also* New South Wales Agriculture Animal Research Rev. Panel, *Guidelines for the Care and Housing of Dogs in Scientific Institutions* 8 (Mar. 1, 1999).

76 Hubrecht, *supra* note 61*; see also* Michael B. Hennessy et al., *Exploring Human Interaction and Diet Effects on the Behavior of Dogs in a Public Animal Shelter*, 5 J. Applied Animal Welfare Sci. 253 (2002).

77 *See, e.g.*, Suzanne Hetts et al., *Influence of Housing Conditions on Beagle Behaviour*, 34 Applied Animal Behav. Sci. 138 (1992) ("Inactivity associated with caging for 8 weeks led to generalized subperiosteal bone resorption with the bone being replaced by fibrous tissue."). The effects of a lack of exercise are discussed in more detail in Section IV.D, *infra*.

78 *See* AVMA Model Bill, *supra* note 65 (noting that adequate space encourages spontaneous activity and enrichment necessary for a dog's normal development).

that is up to six times the current USDA requirements.[79] Others require, at the very least, "adequate space" for the dog to fully turn around, lie down, and fully extend without touching the sides of the enclosure.[80]

2. The Regulations Need to Be Amended to Require Larger Enclosures

It is clear that there is an "insufficient scientific basis to support" the current regulations.[81] Although older research is more conflicted, newer research shows that a sufficiently large kennel size allows dogs to display "a greater diversity of natural behaviors."[82] Clearly, there are "distinct advantages in having larger cages for dogs."[83] The Agency should amend the current regulations in 9 C.F.R. § 3.6 to require larger enclosures that properly scale up with the size of the dog housed in the enclosures to ensure the dog has sufficient space to exhibit natural behaviors. At the very least, the minimum floor space should be double the current requirement, allowing the dog to turn and stretch fully without touching the sides of the enclosure, with a height sufficient to allow the dog to stand on his or her hind legs without touching the roof of the enclosure.

C. Stacking of Primary Enclosures

Current USDA regulations fail to address the common problems associated with the stacking of primary enclosures.[84] Because stacking has proven to have serious negative impacts on dogs housed in such cages, new regulations are needed.

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79 Mo. Code Regs. Ann. tit. 2, § 30-9.030(1)(F)3.C.(II) (requiring six times amount of federally required floor space for all singly housed dogs as of January 1, 2016); *see also* Compilation of State Laws and Regulations Regarding the Topics Addressed in This Petition (Exhibit G).

80 *See* Mich. State Univ. Animal Legal & Historical Center, Table of State Commercial Pet Breeders Laws, https://www.animallaw.info/topic/table-state-commercial-pet-breeders-laws (last visited Aug. 30, 2015); Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

81 Hurt et al., *supra* note 71.

82 *Id.* (referencing data from S. Normando et al., *Effects of Space Allowance on the Behaviour of Long-Term Housed Shelter Dogs*, 103 Behavioural Processes 306-14 (2014)).

83 Stafford, *supra* note 72, at 169.

84 *See* Photographs of Stacked Cages (Exhibit D-3).

1. Stacking Primary Enclosures Is Harmful to Dogs

Directly or indirectly stacking primary enclosures through the use of multiple tiers reduces airflow, which can be particularly problematic for dogs housed in indoor facilities. Stacking can also limit the light that reaches the dogs. Some dogs housed in stacked cages in commercial breeding facilities live in almost complete darkness,[85] which can lead to psychological harm.

Stacking primary enclosures is also harmful because it creates major sanitary problems. Stacked cages are generally difficult or even impossible to adequately clean without the use of special equipment.[86] Moreover, feces, urine, wastewater, hair, and other filth from higher cages can fall onto the dogs in the lower cages if there is no adequate barrier between the different levels or when the cages are being sprayed down for cleaning.[87]

Stacking also impedes access to the dogs, which can make removal of dogs from stacked cages extremely difficult. This may lead operators to leave dogs in their cages for long periods, depriving the dogs of exercise, socialization, or even medical examinations and treatment. Dogs being removed from high cages sometimes fall or are dropped, leading to major injury.[88] Moreover, stacking impedes visibility of the dogs. This makes it difficult for operators and USDA inspectors to check on the dogs' health and well-being,[89] as well as the sanitation and safety of the primary enclosure.

Stacked cages encourage overcrowding of dogs in facilities because many dogs are placed in cages close together, contributing to high ammonia levels, fly infestations, and rapid transmission of diseases. Across dealer housing facilities, the worst conditions that inspectors

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85 Humane Society Fact Sheet, *supra* note 33.

86 *Id.*; HSVMA Report, *supra* note 32, at 7 ("In stacked-cage scenarios, wire mesh flooring amplifies the health risks [related to excreta] for the dogs housed below.").

87 *See* McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (observing waste running down from above).

88 Humane Society Fact Sheet, *supra* note 33.

89 *Id.*

and rescue organizations such as HSUS encounter tend to be in facilities with stacked primary enclosures. These dealers tend to use stacked primary enclosures because they are generally focused on maximizing the number of dogs they can fit in their limited spaces to maximize profits. They also tend to understaff their facilities to reduce their costs, exacerbating an already inhumane situation, and leading to the further neglect of the dogs locked in the stacked cages. The ammonia levels can get so bad in such facilities—where dogs can spend their entire lives—that rescue workers on relatively short visits must wear respirators.[90]

Stacked cages pose an additional threat to dogs when they have wire flooring and the barriers between cages are inadequately maintained. As discussed above, there is a risk with wire flooring that dogs' paws and legs may slip through holes in the flooring. If the primary enclosures are stacked, dogs may injure, or be injured by, dogs on other tiers.[91] The dogs below can get kicked or scratched, and the dogs above can be bitten.

So-called Sundowners and Hunte kennel trailers, which aim to maximize the amount of dogs by stacking cages, are no less problematic than other stacked systems, despite assertions by some breeders to the contrary. Inspectors have found rusted doors, gaps in treated-wire floors big enough for paws to fall through, feces build-up on doggie doors, high amounts of ammonia, and other problems in such trailers. The problems with these kennels are well-documented in USDA inspection reports.[92]

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90 *Id.*

91 HSVMA, *Veterinary Report on Puppy Mills*, *supra* note 29.

92 *See* Pratt Inspection Report, *supra* note 54 (Exhibit I-5) (holes in the elevated flooring); McGuire Inspection Report, *supra* note 54 (Exhibit I-6) (feces caught on flooring, waste running down the bottom cage); Kragt Inspection Report, *supra* note 47 (Exhibit I-3) (large gaps in floor); APHIS, Inspection of Pat Crabtree, Certif. 48-A-1641 (Apr. 2, 2013) (Exhibit I-7); Troyer Inspection Report, *supra* note 54; *see also* Photographs of Stacked Cages (Exhibit D-3) (including pictures of stacked cages in trailers).

2. New Regulations Are Necessary to Prevent Stacking from Harming Dogs

In light of these harms, USDA should amend 9 C.F.R. § 3.6(c)(4) to prohibit the stacking of primary enclosures in commercial breeding facilities to allow for easier viewing of and access to the dogs, more effective cleaning, and increased access to exercise areas and socialization opportunities. Such action will dramatically improve the well-being of dogs and create safer and more sanitary conditions in commercial breeding facilities.

USDA would be not be alone if it promulgates this regulation. Several states already prohibit stacking outright, while others limit the number of levels cages can be stacked.[93] Moreover, enforcing this regulation would not be challenging or time-consuming, because visual inspections can readily determine whether cages are stacked.

D. Temperature Regulation

1. The Current Regulations Allow for Dogs to Be Kept in Harmful Conditions for Extended Periods of Time

The current regulations set insufficient bounds on ambient temperatures in housing facilities. For indoor and sheltered housing facilities, temperatures cannot fall below 45 ºF (or 50 ºF for some species) and cannot go above 85 ºF for more than four consecutive hours.[94] Only dogs that are acclimated to prevalent temperatures can be kept outdoors. For dogs whose acclimation status is unknown, they cannot be kept outdoors if temperatures fall below 50 ºF. There is no upper temperature limit for outdoor housing.[95] Auxiliary ventilation such as fans or air conditioning must be provided when temperatures are at or above 85 ºF.[96] When temperatures drop below 50 ºF, means of preserving body heat must be provided.[97]

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93 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).
94 9 C.F.R. §§ 3.2(a), 3.3(a).
95 9 C.F.R. § 3.4(a).
96 9 C.F.R. §§ 3.2(b), 3.3(b).
97 9 C.F.R. §§ 3.2(a), 3.3(a).

These regulations are clearly insufficient to prevent harm to dogs. Under these standards, breeders can let dogs live in extremely uncomfortable conditions for 3 hours and 59 minutes at a time indoors, and for even longer periods of time outdoors. "Maintenance of body temperature within normal circadian variation is necessary for animal well-being. Animals should be housed within temperature and humidity ranges appropriate for the species, to which they can adapt with minimal stress and physiologic alteration."[98] While varying somewhat by breed, the recommended ambient temperature for most dogs is 64-84 ºF.[99]

One major problem with the current regulations is that they allow for temperatures well outside of a dogs comfortable range to persist for a very significant portion of time. Most dogs can be housed at 45 ºF indefinitely, which is already a cold temperature for many dogs, especially for prolonged periods of time. Theoretically, dogs can be kept in freezing temperatures for up to 4 hours if some bedding is provided. Conversely, heavily coated dogs that do not deal well with higher temperatures can be kept in temperatures of 84 ºF without any additional measures, and even at higher temperature for hours with only fans required to cool them down; when they are outside, fans are not required at all. Large-scale breeders have shown time and again that the temperature regulations are insufficient, as inspectors have found dogs nearly frozen in cold temperatures or dehydrated in hot temperatures.[100]

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98 U.S. Dep't of Health & Hum. Servs., Pub. Health Serv., Nat'l Inst. of Health, Guide for the Care and Use of Laboratory Animals 43 (8th ed. 2011), http://grants.nih.gov/grants/olaw/guide-for-the-care-and-use-of-laboratory-animals.pdf.

99 *Id.*; *see also* K. Männer, *Energy Requirement for Maintenance of Adult Dogs*, 121 J. Nutrition S37 (1991) (noting that the upper critical temperature, depending on the dog, can be as low as 60-78 ºF).

100 For a collection of inspection reports that show the most egregious circumstances, including dogs kept in frigid or very hot conditions, see Humane Society of the U.S., *The Horrible Hundred 2015: A Sampling of Problem Puppy Mills in the United States* 7, 9, 12-16, 20-21, 23-29 (2015), http://www.humanesociety.org/news/news/2015/04/horrible-hundred-2015.pdf [hereinafter Horrible Hundred 2015].

Wire flooring exacerbates these problems, particularly for cold temperatures. As discussed above,[101] dogs housed in wire flooring enclosures do not have shelter from drafts, and without solid flooring have a much more difficult time staying warm in colder temperatures.

2. The Regulations Need to Be Amended to Prevent Harm to Dogs from Extreme Temperatures

To prevent harm to dogs, the agency must at the very least eliminate the four-hour rule from 9 C.F.R. §§ 3.2 and 3.3, which is a loophole that allows inhumane, commercial breeders to save money by letting the dogs suffer through hours of bad conditions and severe discomfort. At a minimum, temperatures should be required to simply be kept between 45 or 50 ºF (depending on the dog breed) and 85 ºF.[102] Similarly, dogs whose acclimation status is unknown should also only be kept outside when temperature are within this range. Such a regulation would have the additional advantage of being easily measureable and enforceable: currently, an inspector would not necessarily be able to easily enforce the four-hour period, as the inspector might not know how long a dog has already been subjected to the temperature extremes at any given point in time.

IV. CANINE HEALTH AND WELFARE IN COMMERCIAL BREEDING FACILITIES

A. Inhumane Breeding Practices

There are currently no rules in the USDA's regulations that restrict breeding practices for commercial breeding facilities other than the vague and unenforceable requirement that the dogs be generally healthy and supervised by a veterinarian.[103] The current regulations do not

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101 *See supra* note 49 and Section III.A.

102 *See, e.g.*, Mo. Code Regs. Ann. tit. 2, § 30-9.030(2)(B)4.B.(I)(b) (requiring temperatures to be maintained between 45 and 85 ºF if a dog is not provided an outside exercise area); Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

103 9 C.F.R. § 2.40 (2015).

adequately address (A) breeding frequency, (B) age for initial breeding, (C) breeding practices concerning inheritable health defects, (D) the specific veterinary needs of breeding dogs, or (E) cesarean sections and other invasive surgeries.

1. Overbreeding

a. Overbreeding Is Detrimental to the Dogs' Health

To maximize profits, many large, inhumane, commercial breeding facilities breed their female dogs every time the dogs are in heat, often regardless of the dogs' health.[104] This constant breeding is exhausting for the females and has negative impacts on their health; for instance, anecdotally, HSUS has observed during rescues and raids of breeding facilities that mother dogs frequently have dental disease or missing teeth, potentially due to calcium deficiency from continual nursing and pregnancy.[105] Multiple organizations have consequently issued guidelines recommending against the constant breeding of females. For example:

- The American College of Theriogenologists ("ACT") and the Society for Theriogenology ("SFT") recommend that breeding females 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."[106]

- The American Humane Association ("AHA") has recommended that dogs not be bred more than five times in a lifetime.[107]

- Guide Dogs UK's Breeding Code of Ethics states that a female can only have consecutive litters in the middle of her breeding career, and only if a

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104 HSVMA Report, *supra* note 32, at 1.

105 *Cf.* NIH Osteoporosis & Related Bone Diseases Nat'l Res. Ctr., *Pregnancy, Breastfeeding, and Bone Health* (Jan. 2012), http://www.niams.nih.gov/Health_Info/Bone/Bone_Health/Pregnancy/default.asp#a (noting that in humans, pregnant mothers must take in sufficient calcium or the baby will draw on the calcium from the mother's bones).

106 Soc'y for Theriogenology, *SFT/ACT Position Statements: Welfare of Breeding Dogs*, http://www.therio.org/?page=PositionStatement#Welfare (last visited Dec. 5, 2014) [hereinafter SFT Position Statement].

107 Email and attachment from Patricia N. Olson, Chief Veterinary Advisor, Am. Humane Ass'n, to various recipients including Melanie Kahn, Humane Soc'y (July 2012) (on file with Petitioner the HSUS) [hereinafter Am. Humane Ass'n Breeding Protocol].

"satisfactory veterinary check" has been conducted.[108] The Breeding Code of Ethics further imposes a maximum amount of litters in a dog's lifetime (four to five).

- The Chartered Institute of Environmental health (CIEH) limits the number of litters during each female's lifetime to six and requires a rest period of at least 12 months between litters.[109]

- The AKC has stated that it is customary to avoid breeding a female on consecutive heats, which it described as necessary to allow the dog to recuperate.[110]

- A similar organization in Sweden, the Svenska Kennelklubben ("Swedish Kennel Club"), provides the following guidelines in its Code of Ethics to protect dogs against the harms from overbreeding:

    - If the female has two litters within 12 months, then she must have 12 months of rest.

    - If the female is over seven years old, then she must have at least 12 months rest between litters and must be examined before breeding. Females over ten years old may not be bred.

    - A female should not give birth to more than five litters in a lifetime.[111]

The majority of the top ten breed clubs representing the most popular breeds in the United States, as well as many other breed clubs, similarly advise against overbreeding female dogs. For example:

- The National Labrador Retriever Club instructs that a female "should not be allowed to produce an excessive number of litters. Sufficient time should be allowed between litters for the bitch to recuperate."[112]

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108 Guide Dogs (UK), *A Breeding Code of Ethics* (June 27, 2014), https://m.guidedogs.org.uk/aboutus/national-breeding-centre/nbc-revealed/breeding-code-of-ethics/ (last visited Aug. 18, 2015).

109 CIEH Model License Conditions and Guidance for Dog Breeding Establishments 20 (2014), [hereinafter CIEH Model License]. CIEH is a registered charity and the professional voice for environmental health based in London. *See* CIEH, *About the CIEH*, http://www.cieh.org/about_us.html (last visited Aug. 19, 2015).

110 AKC, *A Guide to Breeding Your Dog* 9 (2007), https://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf. It further states that "One month before breeding, the bitch should have a thorough pre-breeding physical examination by a veterinarian."

111 Svenska Kennelklubben, *Code of Ethics, Breeding Policy, Ethical Guidelines* §§ 3:4-3:5 (2015), http://www.skk.se/Global/Dokument/Om-SKK/S7-SKK-Code-of-ethics-2015.pdf.

- The German Shepherd Dog Club of America requires that its members pledge to never permit their females to produce three consecutive litters unless advised otherwise by a veterinarian.[113]

- The National Beagle Club recommends that no female have an excessive number of litters nor be mated in successive seasons without regard to her health.[114]

- The American Boxer Club, Inc.'s Code of Ethics states that females "should not whelp more than twice in any three consecutive estrus cycles."[115]

A variety of states have also passed laws restricting continuous breeding.[116]

b. New Regulations Are Necessary to Prevent Constant Breeding of Females and to Ensure the Health and Safety of Breeding for Both Males and Females

USDA should add language under 9 C.F.R. Part 3, Subpart A and 9 C.F.R. § 2.40(b), to require that breeding females receive adequate rest between litters to allow for physical recovery and to require examinations to ensure the health of breeding dogs. Specifically, the regulations should restrict breeding to a maximum of two litters per 18-month period, and no more than six litters per each female's lifetime. And, regardless of whether it decides to adopt this rule, USDA should also add an independent regulation requiring a veterinarian to document that each breeding dog is healthy, including a body condition score of at least 3, and free of communicable diseases and hereditary or congenital disorders or other conditions that may be exacerbated by breeding, pregnancy, or whelping at least at each annual physical exam, but ideally prior to each attempt to breed if that occurs more often than annually. For male dogs, such an exam should

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112 Nat'l Labrador Retriever Club, *Code of Ethics* (Feb. 20, 2005), http://s87153149.onlinehome.us/NLRCethics2.html (last visited Aug. 18, 2015).

113 German Shepherd Dog Club, *Breeder's Code*, http://www.gsdca.org/join-the-gsdca/breeders-code (last updated Aug. 7, 2015).

114 Beagle Club, *Code of Ethics*, http://www.thebeagleclub.org/?THE_BEAGLE_CLUB:Code_of_Ethics (last visited Aug. 30, 2015).

115 Am. Boxer Club, *Code of Ethics* (Sept. 16, 2005), http://americanboxerclub.org/ethics.html (last visited Aug. 18, 2015).

116 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

include an evaluation for prostate and testicular disease. For female dogs, such an exam should include an evaluation for pyometra and mammary neoplasia.

This regulation would not add any burden on inspectors. Breeding facilities are already required to keep veterinary records and logs about litters. USDA inspectors could easily review these documents and records of sales to determine compliance.

2. Breeding Ages

a. It Is Harmful to Breed Females at Young Ages

Current USDA regulations do not regulate the age at which commercial breeding facilities may start breeding female dogs. As a result, many commercial breeding facilities begin breeding their females as young as possible to maximize their profits. However, breeding dogs at young ages can be detrimental to their health.

Breeding young female dogs, who are still skeletally immature and/or very small, can predispose them to health risks such as dystocia caused by fetopelvic disproportion.[117] This occurs when the fetus is too large for the pelvic opening, and can cause difficult delivery or even make vaginal delivery impossible. It is therefore best to delay breeding a female until she is skeletally mature, which occurs around 18 months of age.[118]

Of the 115 breed-specific clubs in the United States reviewed for purposes of drafting this Petition, almost all specify a minimum age for breeding females, and many also specify maximum breeding ages to ensure the health of the breeding dogs.[119] Notably, more than 80 of these clubs require the female dogs to be at least 18 months old before they are first bred. Of

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117 Peter G. G. Jackson, *Handbook of Veterinary Obstetrics* 141 (2nd ed. 2004).

118 *Id.*

119 *See* Table of Breed Clubs' Rules Regarding Breeding Ages and Frequency (Exhibit H). Maximum breeding ages differ somewhat by breed, but most organizations agree that dogs should not be bred at old age. *See, e.g.*, Am. Kennel Club, *Responsible Breeding: Guide to Breeding*, Step Seven, http://www.akc.org/dog-breeders/responsible-breeding/ (last visited Sept. 16, 2015) (not allowing registration of litters of which either parent was over 12 years of age at the time of mating).

these clubs, a majority impose an even stricter requirement, setting the minimum breeding age at two years. For example:

- The Yorkshire Terrier Club of America prohibits breeding females before their second heat or before they are at least 18 months of age, whichever comes first.[120]

- The American Boxer Club's Code of Ethics states that females should not be bred before the age of 18 months.[121]

- The American Rottweiler Club's Code of Mandatory Practices requires that females be bred only after reaching two years of age or older.[122]

Similarly, the UK Advisory Council on the Welfare of Dog Breeding has issued standards stating that all dogs must be at least two years old before they are used for breeding.[123] In addition, multiple states have laws requiring that dogs be at least a minimum age before being bred.[124]

b. <u>New Regulations Are Necessary to Prevent Harm to Breeding Dogs Who Are Too Young or Too Old</u>

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to require that females be at least 18 months old before they are first bred. USDA should also consider setting a higher minimum age, such as two years, for larger breeds.

To monitor compliance, USDA inspectors could review the logs and veterinary records dealers are already required to keep to determine if a commercial breeding facility is compliant with the age restrictions.

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120 Yorkshire Terrier Club, *Code of Ethics*, http://www.theyorkshireterrierclubofamerica.org/sharedobjects/docs/COE_COC.pdf (last visited Aug. 30, 2015).

121 Am. Boxer Club, *supra* note 115.

122 Am. Rottweiler Club, *Membership Application & Mandatory Practices*, http://www.esmondrott.com/arcmem.pdf (last visited Aug. 30, 2015).

123 Advisory Council on Welfare Issues of Dog Breeding, *Standard for Breeding Dogs* 7, http://www.dogadvisorycouncil.com/resources/breeding-standard-final.pdf (last visited Aug. 30, 2015) [hereinafter Advisory Council Standards].

124 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

3. Inheritable Health Defects

a. Current Regulations Do Not Protect Against Breeding Dogs With Common Inheritable Health Defects

USDA's current regulations do not impose any requirements for screening for inheritable health defects, and commercial breeding facilities frequently do not screen for such disorders before breeding their dogs. It should therefore come as no surprise that approximately one-third of all reported problems from puppy buyers indicate that their dogs suffer from at least one significant congenital or inheritable condition. More importantly, the cost to consumers of treating inheritable disorders can climb into the thousands of dollars. For example, surgery to correct hip dysplasia, common in Labradors, Golden Retrievers, English Bulldogs, and Rottweilers, can cost between $4,400 and $4,700.[125]

There are at least 334 known congenital and inheritable disorders affecting more than 180 different dog breeds.[126] These include diseases that cause severe symptoms affecting the blood; skin; or cardiovascular, endocrine, immune, gastrointestinal, musculoskeletal, nervous, respiratory, urinary, or reproductive systems.[127]

Many animal protection and breeding organizations worldwide recommend or require screening and restrictions on breeding to avoid hereditary disease. For example:

- The Federation Cynologique Internationale ("FCI") International Breeding Rules, effective in 89 countries, state that breeding can only be carried out with dogs who are healthy in functional and hereditary terms.[128]

- The SFT explains that dogs should be evaluated for hereditary disorders and other diseases before breeding.[129]

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125 Humane Soc'y, *Puppy Buyer Complaints, A Five Year Summary. 2007-2011*, 2 (2012), http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy_mill_buyer_complaints.pdf (listing complaints); ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4 (calculating cost to consumers).

126 HSVMA, *Guide to Congenital and Heritable Disorders in Dogs* 4-40 (rev. May 2011), http://www.hsvma.org/assets/pdfs/guide-to-congenital-and-heritable-disorders.pdf.

127 Advisory Council Standards, *supra* note 123, at 1.

128 Fed'n Cynologique Int'l, *International Breeding Rules of the F.C.I.* (2013), http://www.fci.be/medias/ELE-REG-en-448.pdf.

- The UK Advisory Council on the Welfare of Dog Breeding issued standards for breeding dogs which state that breeding stock must be selected based on the dogs' "physical and genetic health." The standards further state that breeding dogs must be examined prior to mating and certified to be free of any inherited defect apparent on physical examination. Where tests for inherited disease are available, the standards require that the dogs be tested and re-tested as appropriate.[130]

- The Animal Welfare Code of Practice Guidelines for dogs and cats issued by the Australian state of New South Wales states that, where an inheritable disease is recognized, the person in charge should try to ensure that the genetic make-up of the female and males will not result in an increase in the frequency or severity of known inherited disorders.[131]

- The American Rottweiler Club's Code of Mandatory Practices requires that members breed only females who have been certified as free of communicable diseases, having normal hips, and in good health.[132]

b. <u>New Regulations Are Necessary to Require Screening for Inheritable Diseases and to Prevent the Breeding of Affected Dogs</u>

USDA should amend 9 C.F.R. § 2.40(b) and add a section under 9 C.F.R. Part 3, Subpart A, requiring the development of a reasonable screening program to test for known prevalent inheritable diseases for the breed at issue, and prohibiting the breeding of any dogs known to have inheritable or potentially disabling health defects that are likely to significantly affect the lifespan or quality of life of the offspring or cause suffering to the breeding dog. Breeders would be required to include records of all testing for genetic conditions within each dogs' veterinary records, through which USDA inspectors would be able to ascertain compliance.

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129 SFT Position Statement, *supra* note 106.

130 Advisory Council Standards, *supra* note 123, at 5-6.

131 Ross Burton, Animal Welfare Branch, State of New S. Wales (Austl.), *Animal Welfare Code of Practice – Breeding Dogs and Cats* (Aug. 2009), http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf (specifically, Guideline 10.1.2, Breeding and Rearing).

132 Am. Rottweiler Club, *supra* note 122.

4. Veterinary Screenings for Breeding Dogs

a. Current Regulations Do Not Provide for the Specific Veterinary Needs of Breeding Dogs

Currently, regulations do not require hands-on veterinary examinations for breeding animals, do not specify the frequency with which veterinary examinations should occur, and do not take into account the unique needs of intensively bred animals. Dogs bred intensively are under great physical stress and face serious health conditions that require frequent, hands-on veterinary care. Commercial facilities typically breed dogs beginning with their first heat cycle and continue, usually at every heat cycle regardless of health until the dog can no longer reproduce. Frequent pregnancy without regular veterinary care jeopardizes maternal and fetal health.

USDA inspectors regularly inspect commercial breeding facilities and often photograph the violations they see. Their inspection reports and photographs depict breeding dogs suffering from cruelty and neglect as a result of lack of veterinary care.[133] These dogs are painfully emaciated, malnourished, and suffering from the telltale signs of neglect—dental disease, eye infections, skin infections, and matted coats. Regulations must ensure that breeding animals receive basic veterinary care to maintain good health during pregnancy. Exhibit J provides additional detail concerning the need for regular, hands-on veterinary care for breeding dogs to ensure the health of these animals.

b. New Regulations Are Necessary to Provide for the Specific Veterinary Needs of Breeding Dogs

The Agency should add a section under 9 C.F.R. Part 3, Subpart A, providing that no dog may be bred unless a licensed veterinarian has certified that the dog is free from health conditions that may be disabling or likely to significantly affect the lifespan or quality of life of

[133] Photographs of Dogs Found in Poor Condition (Exhibit D-4).

the offspring. USDA should also amend 9 C.F.R. § 2.40 to require that all breeding female dogs must be examined at least at each annual exam for any communicable disease or other condition that would be exacerbated by breeding, pregnancy, or whelping, including pyometra and mammary neoplasia.[134] Such females should also be determined by a veterinarian to have a body condition score of at least 3 to ensure a healthy pregnancy and whelping. Male breeding dogs should be evaluated for prostate and testicular disease.[135] The attending veterinarian should certify at each exam that the breeding dog has been examined according to the above criteria. To allow inspectors to track the breeding dog's health over time, and ensure enforceability of the regulations, reports of veterinary exams should be retained for at least three years.

B. Unlicensed Practice of Veterinary Medicine, Including Canine Cesarean Sections

1. Cesarean Sections and Other Surgeries Are Very Risky When Performed Without Proper Skill or Supervision

There is currently no federal regulation affirmatively requiring that canine cesarean sections, or for that matter any surgeries, be performed by or under the supervision of a veterinarian or other trained professional.[136] The canine cesarean section is a particularly complex procedure, often requiring pre-operative correction of electrolyte abnormalities, fluid resuscitation, and evaluation for hypovolemic shock. Proper treatment generally requires two highly trained teams, able to work with speed and precision.[137]

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134 SFT Position Statement, *supra* note 106.

135 *Id.*

136 Although most state laws prohibit the practice of veterinary medicine without a license, and as such this practice would be prohibited in most states, there is no federal law specifically addressing this issue. *See* AVMA, *State Summary Report: Sanctions for Unauthorized Practice of Veterinary Medicine* (Sept. 2011), https://www.avma.org/Advocacy/StateAndLocal/Pages/scope-unauthorized-practice.aspx .

137 Anthony Kahn & Jill Sammarco, *Cesarean Section in Dogs: Indications, Techniques*, DVM360 Magazine (May 1, 2007), http://veterinarynews.dvm360.com/dvm/Medicine/Cesarean-section-in-dogs-indications-techniques/ArticleStandard/Article/detail/430422.

Canine cesarean sections are also extremely challenging and risky because their anesthesia protocols cannot be standardized across all breeds and sizes of dogs. They must therefore be performed by a licensed veterinarian who is qualified to make the call about anesthesia and who has access to the anesthesia drugs.[138]

Improper care before, during, or after a canine cesarean section can lead to severe infection of the mother and even the death of the puppies.[139] At least one national breed club has recognized these major risks and therefore requires that canine cesarean sections only be performed with the concurrence of a veterinarian.[140]

Despite the significant risks to the females and the puppies, staff at some inhumane, commercial breeding facilities attempt to practice veterinary medicine without a license, including performing surgical births. Although canine cesarean sections are the primary problem, Petitioners are aware of circumstances where breeders have performed other invasive surgeries without a license. For instance, a Missouri breeder admitted to a USDA inspector that she has performed surgeries such as "ear crops, umbilical hernia repairs, inguinal hernia repairs, 'nares snipped', neuters, dew claw removals, ovariohysterectomies, and Caesarian sections." These procedures were performed in unsanitary rooms.[141] This breeder continues to hold a state license, showing that state law is clearly insufficient to deter these practices.

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138 *See* G.J. Benson & J.C. Thurmon, *Anesthesia for Cesarean Section in the Dog and Cat*, 65 Modern Vet. Prac. 29, 29-32 (1984).

139 *See Activists and Officials Target Puppy Mills*, USA Today, Jan. 1, 2010, http://usatoday30.usatoday.com/news/nation/2010-01-11-puppy-mills_N.htm; *see also* HSVMA Report, *supra* note 32, at 2.

140 Yorkshire Terrier Club, *supra* note 120.

141 U.S. Dep't of Agric., APHIS, Inspection of John & Sharlette Tidwell, Certif. 43-B-0441 (Dec. 2009) (cancelled), http://michiganpuppymills.com/tfpinspectiondetails.php (Exhibit I-8 (excerpts)).

2. New Regulations Are Necessary to Ensure Only Veterinarians Perform Cesarean Sections and Other Surgeries

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to affirmatively require that canine cesarean sections and other surgeries be performed only by licensed veterinarians. Federal regulation is necessary to create uniformity on the unlicensed practice of veterinary medicine, and to allow for more consistent inspection and prevention of such dangerous practices.

C. Preventive Care: Vaccinations, Physical Examinations, Grooming, and Dental Care

There are currently no USDA regulations specifically addressing vaccination or other preventive care for dogs in commercial breeding facilities. The existing regulations only require "appropriate methods to prevent" diseases and injuries as part of "adequate veterinary care."[142] This vague and unenforceable requirement is insufficient to protect the health of the dogs and to adequately prevent disease transmission to other dogs. Veterinary care violations are the number one reason USDA-regulated dog breeders receive citations. Thirty-four percent of all licensed dog breeders have received one or more veterinary care citations and fifteen percent of all dog breeders have received multiple violations.[143]

1. Vaccines and Other Preventive Medical Treatment

a. Existing Regulations Are Insufficient to Protect Animal Welfare

It is well-known that a set of core vaccines and other preventive treatments almost entirely prevent dangerous and frequently fatal diseases in dogs. For instance:

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142 9 C.F.R. § 2.40(b)(2).

143 ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4. Petitioners emphasize the potentially wide-ranging danger of a lack of proper vaccination; in one case, 1,200 dogs had to be put down after canine distemper spread when dogs originating at a Kansas breeder ended up in Wyoming pet stores. Amy Worden, *1,200 Dogs in Kansas Kennel Euthanized in Distemper Outbreak*, The Inquirer, (Oct. 17, 2013), http://www.philly.com/philly/blogs/pets/1200_dogs_euthanized_in_distemper_outbreak.html.

- Rabies' mortality rate is as high as 93% in unvaccinated puppies.[144] Vaccination entirely eliminates the risk of contracting and dying from this disease.[145]

- Canine distemper virus ("CDV") infection leads to death in up to 50% of infected animals and can spread easily to dogs in pet stores outside the community where the breeding facility is located. Yet a single dose of the vaccination creates complete immunity in more than 99% of animals, with a duration between three years and a lifetime. CDV has been almost completely eradicated in areas where vaccination is common, but easily spreads when unvaccinated, infected dogs get transported across state lines.[146]

- Canine parvovirus is one of the most common causes of diarrhea in puppies under six months of age, such as those in inhumane, commercial breeding facilities before sale.[147] Without intensive veterinary intervention, infections are almost always fatal.[148] Even with the best post-infection treatment, parvovirus still has a 10-15% mortality rate.[149] Vaccination, however, prevents infection entirely.[150]

- Canine adenovirus has a mortality rate of 10-30% generally, and an even higher mortality rate in young puppies.[151] Vaccines entirely prevent the disease and create immunity for three years or longer.[152]

Clearly, preventive care saves dogs' lives and prevents pain and suffering due to infection. Moreover, preventive care is cost effective: it is less expensive to vaccinate a dog than

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144 Ernest S. Tierkel, *Canine Rabies,* 1 The Natural History of Rabies 123, 124 (1975).

145 S. Cleaveland et al., *A Dog Rabies Vaccination Campaign in Rural Africa: Impact on the Incidence of Dog Rabies and Human Dog-Bite Injuries*, 21 Vaccine 1965 (2003).

146 Sandra Newbury et al., *Canine Distemper Virus*, in Infectious Disease Management in Animal Shelters 161, 161-67 (Lila Miller & Kate Hurley eds., 2009); *see also* Worden, *supra* note 143 (reporting on large distemper outbreak across states); Press Release, Humane Soc'y, *Puppies Infected With Distemper Linked to Two Pet Stores in Illinois* (Jan. 19, 2012), http://www.humanesociety.org/news/press_releases/2012/01/puppies_infected_with_1192012.html (same).

147 Lila Miller, Vice President Veterinary Outreach, ASPCA, *Canine Parvovirus*, http://www.aspcapro.org/parvo (last visited Nov. 18, 2014).

148 Colo. State Univ. Coll. of Vet. Med. & Biomed. Scis., *New Protocol Gives Parvo Puppies a Fighting Chance When Owners Can't Afford Hospitalization*, http://csu-cvmbs.colostate.edu/pages/parvo-puppies-new-protocal.aspx (last visited Nov. 5, 2014).

149 *Id.*

150 *See, e.g.*, Jose Angel Lopez de Turiso et al., *Recombinant Vaccine for Canine Parvovirus in Dogs*, 66 J. Virology 2748, 2748-53 (1992).

151 Kate E. Creevy, *Overview of Infectious Canine Hepatitis*, The Merck Veterinary Manual (Cynthia M. Kahn & Scott Line eds. 10th ed., 2010), http://www.merckmanuals.com/vet/generalized_conditions/infectious_canine_hepatitis/overview_of_infectious_canine_hepatitis.html.

152 *Id.*

to provide medical treatment post-infection. For example, the prevention of heartworm through a once-a-month medication is much cheaper and more effective than treating this disease post-infection.[153] The standard treatment for a dog that is not given preventive care and becomes sick is a series of costly injections, lab work, hospitalization, and pain medication.[154]

Not only does preventive care save dog lives in a cost-effective manner; it also saves human lives. Worldwide, dogs are the source of 99% of human rabies infections.[155] Reducing rabies in the canine population reduces the number of potential human rabies deaths, making vaccination of animals the most cost-effective method of preventing rabies in humans:[156] vaccinating dogs is up to 55 times less expensive than vaccinating or treating humans for rabies.[157] Vaccinating dogs for rabies and other diseases is thus more than merely a way to help ensure that consumers receive healthy dogs. It is also a "comparatively inexpensive and ethical way" to control rabies in both dogs and in humans.[158]

Despite the known effectiveness of preventive care, commercial breeding facilities are not currently required to have veterinarians inspect or vaccinate their dogs on a regular basis. It is all too common for preventable and deadly diseases to sweep through breeding facilities

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153 Am. Heartworm Soc'y, *Heartworm Basics*, https://www.heartwormsociety.org/pet-owner-resources/heartworm-basics (last visited Sept. 1, 2015); *see also* ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

154 Am. Heartworm Soc'y, *Heartworm Basics*, https://www.heartwormsociety.org/pet-owner-resources/heartworm-basics (last visited Sept. 1, 2015).

155 *Rabies Vaccines: WHO Position Paper*, 32 Wkly. Epidemiological Rec. 309, 310 (Aug. 6, 2010).

156 Jacob Zinsstag et al., *Human Benefits of Animal Interventions for Zoonosis Control*, 13 Emerging Infectious Diseases 527 (2007); K. Bögel & F.X. Meslin, *Economics of Human and Canine Rabies Elimination: Guidelines for Programme Orientation*, 68 Bull. WHO 281, 282 (1990).

157 Michael Greenwood, *Canine Vaccinations Effective Deterrent to Rabies in Africa*, YaleNews (Jan. 21, 2014), http://news.yale.edu/2014/01/21/canine-vaccinations-effective-deterrent-rabies-africa (last visited Aug. 18, 2015).

158 *See* Zinsstag, *supra* note 156.

unchecked because inhumane, commercial breeders do not provide their dogs with adequate preventive care.[159]

b. The Regulations Need to Be Amended to Require Vaccinations and Other Preventive Care

The Agency should amend 9 C.F.R. § 2.40(b) to require specific preventive care by veterinarians to ensure that dogs in commercial breeding facilities receive the necessary care routinely prescribed to companion animals. For every dog at a commercial breeding facility, the regulation should require: (1) a hands-on examination by a veterinarian, including a comprehensive physical examination, dental assessment, body condition scoring, and pain assessment, at least once a year to ensure health problems are identified and treated;[160] (2) core vaccinations recommended by the then-current version of the AAHA Canine Vaccination Guidelines to prevent diseases; and (3) medication to prevent infestation by intestinal parasites, heartworm, fleas, and ticks. All examinations must be documented by the veterinarian. Documentation must be maintained by the breeder for a period of three years and made available to APHIS inspectors upon request.

Various animal protection and breeding organizations already recommend preventive treatment as the best practice to maintain dogs' health. For instance, the American Animal Hospital Association, AVMA, and the World Small Animal Veterinary Association all recommend that every dog receive the four core vaccines: rabies, distemper, parvovirus, and adenovirus.[161] ASPCA similarly recommends vaccinating dogs with the core vaccinations plus the hepatitis vaccination and others, depending on exposure risk. It also recommends heartworm

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159 *See* HSVMA Report, *supra* note 32, at 5 ("Overcrowded conditions can cause one sick dog to infect many other dogs relatively quickly and easily."); Worden, *supra* note 143; Humane Soc'y, *supra* note 146.

160 Am. Animal Hosp. Ass'n & Am. Vet. Med. Ass'n , *AAHA-AVMA Canine Preventive Healthcare Guidelines* (2011), https://www.aahanet.org/PublicDocuments/CaninePreventiveGuidelines_PPPH.pdf.

161 *Id.*; Susan Dawson, *Guidelines for the Vaccination of Dogs and Cats*, 48 J. Small Animal Prac. 528, 529-532 (2007); *see also* Welborn et al., *supra* note 6, at 4-7.

treatment, among other preventive care.[162] In addition, as of 2010, 38 states had laws requiring rabies vaccinations for dogs.[163]

A regulation requiring preventive care including vaccinations would be easily enforceable if individual health records for every dog were maintained. Vaccination records are easy to keep; almost all individual dog owners already do so.

2. Grooming of Fur and Nails

The current regulations do not specifically require grooming, nail trimming, and other routine non-medical care, that is essential for dogs' well-being. Breeders are only required to "maintain programs of adequate veterinary care," including "daily observation."[164] And while USDA inspectors do cite facilities for inadequate grooming,[165] a regulation that specifically requires grooming would leave no room for dispute or ambiguity as to this mandate.

a. Proper Grooming Is Necessary to Protect Animal Welfare

Most organizations, including Petitioners, agree that proper grooming is "essential to the health and comfort" of dogs and that a lack of grooming can cause significant health issues.[166] For instance, without proper nail trimming,[167] a dog's nails can grow too long and break, causing pain and possibly infection. If they do not break, they will curl and can become painfully

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162 ASPCA, *Pet Care: Vaccinations*, http://www.aspca.org/pet-care/dog-care/vaccinations (last visited Nov. 18, 2014); *see also* Soc'y for the Prevention of Cruelty to Animals Fla., *Vaccinations*, http://www.spcaflorida.org/vaccinations/ (last visited Nov. 18, 2014); ASPCA, *Pet Care: Heartworm*, https://www.aspca.org/pet-care/dog-care/heartworm (last visited Nov. 18, 2014).

163 Ctrs. for Disease Control & Prevention, *Map of Vaccination Laws by State in the United States and Puerto Rico*, http://www.cdc.gov/rabies/resources/publications/2009-surveillance/vaccination-laws.html (last updated Nov. 29, 2010).

164 9 C.F.R. § 2.40(b).

165 For examples of the most egregious violations, see Horrible Hundred 2015, *supra* note 100, at 9, 11, 28-29, 31-34.

166 *E.g.*, ASPCA, *Pet Care: Grooming Your Dog*, http://www.aspca.org/pet-care/virtual-pet-behaviorist/dog-behavior/grooming-your-dog (last visited Aug. 30, 2015).

167 All dogs need at least their dewclaws trimmed, and many dogs need all of their nails trimmed, especially if they spend most of their time on surfaces which will not naturally wear down their nails, such as wire flooring. ASPCA, *Pet Care: Fear of Nail Trimming*, http://www.aspca.org/pet-care/virtual-pet-behaviorist/dog-behavior/fear-nail-trimming (last visited Aug. 30, 2015).

embedded in the dog's paw pads, leading to infection, or get caught in wire flooring and possibly ripped out when the dog tries to free herself. Overly long nails can also cause an irregular gait and skeletal damage.[168] Eleven percent of USDA veterinary care citations of dog breeders are for injured or over-grown nails.[169] Basic dental care, such as tooth brushing, should also be part of the grooming routine. As described in the next section, failure to do so could lead to serious dental disease.

A dog's hair can become so overgrown and matted without proper grooming that she may be unable to see, walk properly, or wag her tail.[170] There are many examples of dogs in inhumane, commercial breeding facilities that have hair matted with feces or matting that causes discomfort or skin conditions.[171] Twenty-eight percent of USDA veterinary care citations of dog breeders are for matting and hair loss.[172] Matted fur can also hide injuries from visual inspection.[173]

Proper grooming provides other key benefits. The physical contact during grooming can result in reduced heart rate and reduced stress, thereby positively influencing the emotional state and well-being of the dog (and, incidentally, the dog's groomer).[174] Grooming also serves as a way for the breeder to closely observe the dog and notice potential issues requiring veterinary attention that mere daily observation may not uncover.[175]

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168 *Id.*

169 ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

170 *See* Bacon, *supra* note 7; Wayne Pacelle, *A Veterinarian's Prognosis for Stopping Puppy Mill Cruelty*, Huffington Post (Oct. 13, 2010, updated May 25, 2011), http://www.huffingtonpost.com/wayne-pacelle/a-veterinarians-prognosis_b_762155.html.

171 *A Horrible Hundred*, *supra* note 34, at 7-9 (various breeders).

172 ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

173 *A Horrible Hundred*, *supra* note 34, at 38 (when an inspector removed matted fur over an eye, he found an eye that was "completely closed, covered with a crusty brownish yellow material").

174 *See* Hannah E. Salvin et al., *Growing Old Gracefully – Behavioral Changes Associated with "Successful Aging" in the Dog*, Canis Familiaris, 6 J. Vet. Behav, 313, 318 (2011); Paul D. McGreevy et al., *The Reinforcing Value of Physical Contact and the Effect on Canine Heart Rate of Grooming in Different Anatomical Areas*, 18 Anthrozoos 236, 236-44 (2012).

175 ASPCA, *Pet Care: Grooming Your Dog*, *supra* note 166.

Despite proof that fur and nail grooming is necessary for the well-being of dogs, many large, inhumane, commercial breeding facilities fail to groom their dogs at adequate intervals, if ever.[176] Dogs rescued from some such facilities were never bathed, had knotted fur, and had feet stained by feces and urine.[177] A specific grooming requirement would leave no room for doubt that dealers are expected to groom their dogs' fur to prevent all matting and tangling (unless the breeds are short-coated and do not require fur grooming), and are expected to trim nails to prevent discomfort and injury.

b. New Regulations Are Necessary to Require Proper Grooming

USDA should add a section under 9 C.F.R. Part 3, Subpart A, to require regular fur grooming and nail trimming as needed for the safety and comfort of the dog based on that dog's breed or at least twice a year, whichever is more frequent.[178] A variety of states and localities already have similar rules requiring basic grooming.[179] For example, Los Angeles County requires that animals be "groomed and kept in a manner which is not injurious to their health."[180] And many organizations, such as the AKC, recommend that dogs be groomed regularly for their health and comfort.[181]

A regulation requiring grooming would be easily enforceable and would reinforce existing obligations. Breeders are already required to provide "adequate veterinary care." Given

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176 Bacon, *supra* note 7; HSVMA Report, *supra* note 32, at 2.

177 Kelly House, *After Rescue, Grooming and Medical Checkups, 41 Puppy Mill Rescue Dogs Are Ready for a New Home*, OregonLive (Dec. 12, 2010), http://www.oregonlive.com/portland/index.ssf/2010/12/after_rescue_grooming_and_medi.html. APHIS inspectors do cite for matted fur and overgrown nails, especially in combination with other more severe problems, but that does not substitute for requiring adequate grooming to prevent dogs from developing such problems in the first place. *See A Horrible Hundred*, *supra* note 34 (giving examples of a variety of breeders cited for matted fur, including fur that was so matted that it was "a solid mass down to the skin").

178 *See, e.g.*, Am. Humane Ass'n, *Grooming Your Pet*, http://www.americanhumane.org/animals/adoption-pet-care/caring-for-your-pet/grooming-your-pet.html (last visited Aug. 30, 2015) ("The frequency of professional grooming and haircuts varies depending on your dog's breed.").

179 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

180 L.A. Cty., Cal., Code of Ordinances § 10.40.010(C) (2011).

181 AKC Policy, *supra* note 64.

the skin infections, visual impairment, foot injuries, severe skeletal problems, fecal impaction, and other injuries that can result from a lack of grooming, proper grooming practices are arguably already required for adequate care. A stronger, more specific regulation on grooming would provide concrete guidance to commercial breeding facilities on what they are expected to do, and would allow USDA inspectors to spot and cite problems earlier in the process to prevent later significant health issues and discomfort.

3. Dental Care

a. Dental Care Is Necessary to Protect Animal Welfare

Periodontal disease is one of the most common physical examination findings in all age categories of dogs seen in private practice[182] and one of the most common veterinary care citations received by USDA-regulated dog breeders. Twenty-two percent of veterinary care citations received by dog breeders are for dental issues.[183]

Periodontal disease is a dynamic pathological condition which, in some cases, progresses to tooth loss. The associated gingivitis represents the dog's active-inflammation burden at the time of examination. Not only does this condition cause pain, sometimes severe, when allowed to go untreated, it also presents major health risks, including jaw fractures due to bone destruction and damage to organs, especially the kidneys, caused by chronic bacterial infection in the mouth.[184]

b. New Regulations Are Necessary to Ensure Dogs Receive Proper Dental Care

The Agency should add a new rule under 9 C.F.R. Part 3, Subpart A, to ensure proper dental care is provided to dogs. At a minimum, Petitioners recommend an explicit requirement

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182 Elizabeth M. Lund, *Health Status and Population Characteristics of Dogs and Cats Examined in Private Veterinary Practices in the United States*, 214 J. Am. Vet. Med. Ass'n 1336 (1999).

183 ASPCA, Economic Impact Analysis (Exhibit J), *supra* note 4.

184 J.E. Rawlinson et al., *Association of Periodontal Disease with Systemic Health Indices in Dogs and the Systemic Response to Treatment of Periodontal Disease*, 328 J. Am. Vet. Med. Ass'n 601 (2011).

that each annual hands-on veterinary exam include a thorough oral examination with subsequent treatment of identified problems and that teeth be cleaned or brushed when the dog is being groomed. Breeders should also perform frequent, reasonable preventive dental care. Tooth brushing is considered the best preventive measure for periodontal disease, but Petitioners recognize that circumstances may vary between breeders, so providing dental chews or other abrasive chewing materials may be adequate, depending on the dog breed.

D. Exercise

A new regulation requiring regular opportunity for exercise is necessary for the physical and emotional well-being of dogs in commercial breeding facilities, and to ensure that they are treated humanely. Despite strong scientific support for such a regulation and supportive statements in the AWA's legislative history, USDA has not yet promulgated a regulation requiring a minimum amount of exercise time for these dogs.

1. The Existing Regulation Regarding Exercise Is Ineffective

USDA's current regulations do not require commercial breeding facilities to provide adequate exercise for dogs. Section 3.8 of the regulations requires only that commercial breeding facilities have and follow a written plan created in consultation with their veterinarian providing "the opportunity for exercise."[185] This regulation provides for no minimum requirements at all and allows the breeder and veterinarian to be completely in charge of that decision. Presumably, a veterinarian could authorize a once a week exercise routine for the dogs, or even less frequently, as long as it takes place "regularly." Even if the written plan calls for routine opportunity for exercise, however, enforcement is essentially impossible. There is no way a USDA inspector can verify whether a dealer is in fact allowing the dogs to engage in the exercise called for in the plan. Moreover, the regulations state that dogs housed in groups need not be

[185] 9 C.F.R. § 3.8 (2014).

provided *any* other opportunity for exercise under certain circumstances depending on the size of their cages. In other words, if the commercial breeding facility provides a minimum amount of space in its cages—which currently may include wire flooring, may be stacked, and may be kept in darkness or harsh weather—then the facility is free to leave its dogs in their cages indefinitely, 24 hours a day, seven days a week. These dogs may never have the opportunity to run, roll around, sniff nature, or feel the sensation of solid ground under their feet.

This existing regulation, which allows a breeder's veterinarian to have complete discretion over the minimum exercise requirements, and trades a minimum amount of space in a cage for an opportunity for real exercise, is completely insufficient to properly implement the AWA, including amendments intended in part "to provide for the exercise needs for dogs" and their "enhanced well-being,"[186] as discussed below.

2. Research Shows That Dogs Require a Consistent Opportunity for Exercise to Maintain Physical and Behavioral Health

The lack of a consistent opportunity for exercise causes physical injury. A lack of adequate exercise can lead to obesity, which in turn can lead or contribute to a host of other health problems. These can include orthopedic disease, type II diabetes mellitus, abnormalities in circulating lipid profiles, cardiorespiratory disease, urinary disorders, reproductive disorders, neoplasia (mammary tumors, transitional cell carcinoma), dermatological diseases, hypothyroidism, hyperadrenocorticism, insulinoma, and anesthetic complications.[187] Studies show that regular exercise for dogs, as with humans, is vital to maintain cardiovascular health.[188] Further, as discussed above in Section III.A, dog nails become overgrown if they do not have sufficient contact with solid surfaces, including through regular exercise.

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186 *See* Animal Welfare Standards, 56 Fed. Reg. at 6428.

187 Alexander J. German, *The Growing Problem of Obesity in Dogs and Cats*, 136 J. Nutrition 1940S (2006).

188 Georg Kojda & Rainer Hambrecht, *Molecular Mechanisms of Vascular Adaptations to Exercise. Physical Activity as an Effective Antioxidant Therapy?*, 67 Cardiovascular Res. 187, 188 & n.21 (2005).

In addition to physical harms, study after study shows that the sort of continuous spatial restriction and confinement allowed under the current regulations in commercial breeding facilities is associated with serious physical and psychological stress in dogs.[189] Specifically, continuous confinement causes many animals to suffer from chronic anxiety, social isolation, inadequate stimulation,[190] and the development of abnormal behaviors.[191]

3. The AWA's Legislative History Supports Stronger Regulations

The history of the AWA and the current regulations evince an intent from both Congress and USDA to provide much more opportunity for exercise than is currently required for dogs in commercial breeding facilities.

When it amended the AWA in 1985, Congress clearly wanted to provide for meaningful exercise for dogs in commercial breeding facilities. Section 13 of the AWA, as amended, requires the Secretary to promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and others, including standards "for exercise for dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the

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189 McMillan JAVMA Article, *supra* note 12, at 1362 (citing Bonne Beerda et al., *Chronic Stress in Dogs Subjected to Social and Spatial Restriction, I. Behavioral Responses* & *II. Hormonal and Immunological Response*, 66 Physiol. Behav. 232, 243 (1999); Deborah L. Wells et al., *The Influence of Length of Time in a Rescue Shelter on the Behaviour of Kennelled Dogs*, 11 Animal Welfare 317 (2002)).

190 HSVMA Report, *supra* note 32, at 1, 6 (citing Michael B. Hennessy et al., *Plasma Cortisol Levels of Dogs at a County Animal Shelter*, 62 Physiol. Behav. 485 (1997); Brenda Griffin, *Wellness*, Infectious Disease Management in Animal Shelters 17 (Lila Miller & Kate Hurley eds., 2009); Brenda Griffin & K.R. Hume, *Recognition and Mgmt. of Stress in Housed Cats*, 5 Consultations in Feline Internal Med. 717 (John R. August ed., 5th ed., 2006); G.J. Patronek & E. Sperry, *Quality of Life in Long Term Confinement*, 4 Consultations in Feline Internal Med., 621 (John R. August ed., 4th rev. ed., 2001); Jacqueline M. Stephen & Rebecca A. Ledger, *An Audit of Behavioral Indicators of Poor Welfare in Kenneled Dogs in the UK*, 8 J. Applied Animal Welfare Sci. 79 (2005); David S. Tuber et al., *Dogs in Animal Shelters: Problems, Suggestions, and Needed Expertise*, 10 Psych. Sci. 379 (1999); Francoise Wemelsfelder, *Animal Boredom: Understanding the Tedium of Confined Lives*, Mental Health & Well-being in Animals 79 (F.D. McMillan ed., 2005)).

191 Sandra Newbury et al., Ass'n of Shelter Veterinarians, *Guidelines for Standards of Care in Animal Shelters* 26 (2010), http://xa.yimg.com/kq/groups/20241575/778874386/name/Shelter%20Standards%20Oct2011%20wForward.pdf.

Secretary."[192] When this provision was adopted by the Conference Committee, the Committee stated that it was adopting "an amendment to provide that an attending veterinarian would be responsible for ensuring that dogs receive a reasonable amount of exercise according to general standards promulgated by the Secretary of Agriculture," and that the conferees intended "the standard for exercise for dogs to offer a variety of possibilities to allow the animal motion. It could consist of regularly letting the dog out of its cage for a period of time, the use of dog runs, or allowing ample room in animal housing."[193]

The current regulations, however, have proved entirely inadequate "for ensuring that dogs receive a reasonable amount of exercise."[194] Allowing total veterinary discretion over the exercise plan, along with the fact that meaningful enforcement is impossible, as well as the provision for a waiver from the exercise requirement if certain extremely minimal space requirements are met, means that many dogs are simply not being provided with a regular opportunity for exercise. Indeed, in reality, many dogs confined to breeding facilities for life are essentially never released from their cages. This is undoubtedly *not* what Congress intended.

It seems the Agency has historically understood Congress's intent to require a meaningful opportunity for exercise. In 1989, USDA originally proposed regulations that would have required much larger primary enclosures or minimum opportunities for exercise outside of the primary enclosures. Specifically, the regulations required (with some exceptions) that the dogs either be:

- Kept individually in primary enclosures that provided *at least four times the space* required for that dog and that allowed visual and/or physical contact with other dogs;

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192 7 U.S.C. § 2143 (1985) (added by later amendment, as noted in 131 Cong. Rec. 29261, 29271 (Oct. 28, 1985) (adding S. Amend. 904 to H.R. 2100)).

193 Food Security Act of 1985, H.R. Rep. No. 99-447, at 594 (1985) (Conf. Rep.).

194 *Id.*

- Housed, held, or maintained together and provided with the greater of (a) 80 square feet of space or (b) *150 percent of the minimum space* required for all dogs in the group; or

- Released at least once a day, for a total of at least 30 minutes each day, for exercise.[195] Acceptable forms of exercise or release would be walking on a leash, release into a room, release into a run or pen with more than 80 square feet of floor space, or some other similar type of arrangement.[196]

These proposed minimum standards, which would have required larger primary enclosures to substitute for time outside of the cages than the current regulations require, were based on expert opinion. The consensus of APHIS veterinarians in 1989 with training and experience regarding the welfare of dogs was that 30 minutes of daily exercise was a reasonable minimum for maintenance of a dog's health and well-being.

USDA reiterated the importance of an exercise requirement when it published revised rule proposals in 1990, placing the welfare of dogs above the cost to commercial breeding facility operators. It wrote, in response to public comments that the proposed exercise requirements were excessive, that:

> while we are acutely aware that the economic impact of regulatory changes is of great importance to regulated entities, we do not consider dismissal of exercise requirements a viable option. We believe that such requirements are necessary, both for the well-being of the animals and to meet our statutory obligations.[197]

However, when the Department adopted the final regulations in 1991, it changed course, declining to impose specific exercise requirements. It stated that "Congressional intent with

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195 Animal Welfare Standards, 54 Fed. Reg. 10,897, 10,904-05 (Mar. 15, 1989). Dogs were required to be let out of their primary enclosures at least once a day if they were: (1) kept individually in primary enclosures that provided less than four times the space required for that dog and that did not allow visual or physical contact with other dogs, or (2) housed, held, or maintained together and not provided with the greater of (i) 80 square feet of space or (ii) 150 percent of the minimum space required for all dogs in the group. For example, six beagles housed together, each 28-inches in length, would require a primarily enclosure of 8 square feet. Six times this requirement is 48 square feet, and 150 percent of this is 72 square feet. Because this is less than 80 square feet, the larger space would have been required. *Id.*

196 *Id.* (proposed section 3.7(c)).

197 Animal Welfare Standards, Proposed Rule, 55 Fed. Reg. 33,448, 33,450 (Aug. 15, 1990).

regard to the Act was to give dogs an opportunity for exercise, not to force them to exercise," and that "the regulations as proposed, calling for a plan for meeting the exercise needs of dogs at each facility, will allow each facility to meet the requirements of the regulations in the manner most appropriate to the facility and to the animals housed there."[198] Unfortunately, many inhumane, commercial breeding facilities have subsequently taken advantage of this flexibility—or nearly complete discretion—and have reduced the requirement for an opportunity for exercise to a nullity. Moreover, as noted, even where an exercise plan does call for daily exercise, there is simply no method through which the Agency can ensure that the plan is being adhered to. This has resulted in thousands of dogs spending their whole days in small primary enclosures, often on wire or gridded flooring, with no opportunities for exercise and no meaningful time spent outside of those cages during their entire lives.

4. <u>The Regulations Need to Be Amended to Ensure That Dogs Receive a Consistent, Meaningful Opportunity For Exercise</u>

It cannot be disputed that a daily opportunity for exercise is critical to the well-being of dogs or that Congress required the USDA to adopt regulations that would ensure dogs are afforded regular and meaningful opportunities for exercise. However, well over twenty-five years after the USDA adopted its exercise regulations, many dogs in large commercial breeding facilities are still being deprived of such opportunities because the discretionary plans are inadequate, enforcement is impossible, and because breeders can avoid any exercise requirement by moderately increasing the size of the primary enclosures. Indeed, the permissible alternative to an exercise plan, the use of larger primary enclosures,[199] has proven not to make "much

198 Animal Welfare Standards, Final Rule, 56 Fed. Reg. 6426 (Feb. 15, 1991).

199 9 C.F.R. § 3.8(c)(3)(ii).

difference in terms of the dog's physical fitness, aggression, or play" as compared to small enclosures.[200]

The Agency should amend the relevant parts of 9 C.F.R. § 3.8 to require that all adult dogs in commercial breeding facilities have constant unfettered access, at least during daylight hours, to an exercise area of sufficient size to ensure proper physical development and health. This requirement has the additional advantage of actually being enforceable, because the inspector would be able to ascertain compliance by simply looking at the construction of the facility itself. The exercise area should, at a minimum, be at ground level and be at least twice the amount of space required in the primary enclosures. Over two decades of research and experience have proven that the best and simplest solution to ensure that dogs obtain proper exercise, and the easiest requirement for USDA inspectors to observe, is allowing dogs to have constant unfettered access to an exercise area. Dealers should be encouraged to use areas in which dogs can interact with natural substances.

Petitioners understand that, although the vast majority of dogs in commercial breeding facilities would benefit from unfettered access to exercise areas, a few dogs may be exceptions to the rule. Accordingly, Petitioners recommend that USDA tailor this proposed regulation by including a limited exception to the access requirement for individual dogs who have received a certification from a veterinarian that is specific to each dog and gives reasons on why the dog's health or other issues preclude unfettered access to the exercise area for that particular dog.

Amending the regulations to provide for unfettered access to exercise, with limited exceptions, would be consistent with Congressional intent and scientific research, and would make a world of difference in the lives of thousands of dogs currently confined to breeding facilities. Three states already require that state-licensed breeders, with limited exceptions,

[200] Hubrecht, *supra* note 61.

provide their dogs with unfettered access to exercise, and many states require at least a set minimum amount of exercise.[201] The USDA should show its leadership in the realm of animal welfare and adopt Petitioners' recommendations on exercise.

E. Socialization

New regulations are also necessary to ensure adequate and safe socialization for dogs in commercial breeding facilities with humans and with other dogs.

1. Current Regulations Regarding Socialization Are Vague and Insufficient

Socialization, both with humans and with other dogs, is important for the emotional health of dogs, which are highly social animals. For instance, studies have shown the following:

- Concentrations of beta-endorphin, oxytocin, prolactin, beta-phenylethylamine, and dopamine increase in dogs, like humans, after positive interactions between the dogs and humans.[202] Generally, these hormones produce a sense of well-being and relaxation, reduce pain, ease emotional distress, and may bolster the immune system.

- Human interaction including petting, play, and grooming can decrease stress and cortisol levels in dogs. High levels of cortisol – the hormone produced during the body's "fight or flight" response to stress – have negative effects including suppressed thyroid function, blood sugar imbalances, decreased bone density, decrease in muscle tissue, higher blood pressure, lowered immunity and inflammatory responses, slowed wound healing, and impaired cognitive performance.[203]

- Dogs allowed to interact socially with other compatible dogs show fewer signs of stress and greater activity levels.[204]

- Socially isolating dogs is detrimental to their well-being and typically results in the onset of behavioral problems such as withdrawal, inactivity,

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201 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G) (in particular, Missouri, Nebraska, and Pennsylvania).

202 J.S.J. Odendaal & R.A. Meintjes, *Neuropsychological Correlates of Affiliative Behaviour between Humans and Dogs*, 165 Vet. J. 296 (2003).

203 Camille Belpedio, *Understanding Kennel Stress in Canines* (Canis Lupus Familiaris)—*A Review of the Literature*, 4 J. Applied Companion Animal Behav. 7, 10 (2010); *see also* Crista L. Coppola, *Human Interaction and Cortisol: Can Human Contact Reduce Stress for Shelter Dogs?*, 87 Physiol. & Behav. 537 (2006); Michael B. Hennessy et al., *Influence of Male and Female Petters on Plasma Cortisol and Behaviour: Can Human Interaction Reduce the Stress of Dogs in a Public Animal Shelter?*, 61 Applied Animal Behav. Sci. 63 (1998).

204 Belpedio, *supra* note 203, at 10.

> stereotypy, and barking, as well as greater physiological stress responses including increased salivary and urinary cortisol concentrations. Conversely, permitting dogs to interact with other compatible dogs can greatly increase the complexity of and sense of control over a captive environment, thereby allowing the dogs to thrive better within the pressures of confinement.[205]

Existing USDA regulations do not require sufficient socialization for dogs in commercial breeding facilities. These facilities are only required to provide physical contact with humans for dogs who are housed, held, or maintained without sensory contact with another dog.[206] For every other dog—including dogs that can merely see but not interact with other dogs – commercial breeding facilities need only "consider providing positive physical contact with humans."[207] Putting aside the empty mandate to "consider" positive contact with humans, the regulations do not even specify how much human contact is necessary for dogs that have "sensory contact" with other dogs, which is almost every dog in commercial breeding facilities.

The regulations also do not provide for sufficient positive socialization among dogs. Only 9 C.F.R. § 3.7 touches upon the issue of conspecific interactions, and addresses "compatible grouping." This regulation merely explains compatibility on the basis of females in heat, vicious or overly aggressive dogs, young puppies, and interspecies housing. But housing just any dogs together will not provide the benefits of socialization discussed above. The issue of compatibility has been described as "highly important when housing dogs together," because indiscriminate group housing can be counter-productive, leading to outbreaks of aggression and possible injuries to the dogs.[208]

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205 Deborah L. Wells, *A Review of Environmental Enrichment for Kennelled Dogs*, Canis Familiaris, 85 Applied Animal Behav. Sci. 307, 308 (2004).

206 9 C.F.R. § 3.8(c)(2).

207 *Id.*

208 Wells, *supra* note 205, at 308.

2. The Regulations Need to Be Amended to Ensure Adequate Socialization

To ensure adequate socialization for dogs in commercial breeding facilities, the USDA should amend 9 C.F.R. §§ 3.7 and 3.8 to affirmatively require meaningful daily socialization with humans and with compatible dogs. Petitioners recommend a total of at least 30 minutes of positive interaction with at least one human each day. Further, as specified in the attached proposed regulations, the regulation should define "positive interaction with a human" as "petting, stroking, grooming, feeding, playing with, exercising, or other touching of the dog that is beneficial to the well-being of the dog."

These proposed revisions to the regulations are not novel. In its proposed regulations in 1989, USDA explained that:

> Because of the social nature of dogs, [subject to certain exceptions], all dogs [must] be able to see and hear other dogs. If a dog is unable to see and hear other dogs simply because it is the only dog in the facility, we would require that it receive positive physical contact with humans at least once a day. "Positive physical contact" is defined in Part 1 as "petting, stroking, or other touching, which is beneficial to the well-being of the animal." . . . This contact would have to total at least 60 minutes each day and could be given in one or more periods.[209]

After receiving comments, the Agency noted that "socialization, including sensory contact, is the single most effective means of providing the opportunity for adequate exercise," but it changed its position and stated it did not "believe that it is essential for the health and well-being of dogs that they have sensory contact with other dogs," and proposed a standard requiring positive physical contact at least daily only for isolated dogs.[210] In its final rule, the Agency noted that it did not adopt a 60-minute time requirement because there was no data to support

[209] Animal Welfare—Standards, Proposed Rule, 54 Fed. Reg. 10,897, 10,904 (Mar. 15, 1989).

[210] Animal Welfare; Standards, Revised Proposed Rule, 55 Fed. Reg. 33,448, 33,468 (Aug. 15, 1990).

that time limit and it saw "no need for contact of that duration."[211] However, recent research and data now support implementation of more robust socialization and physical contact regulations.

Several states have imposed socialization requirements, including minimum amounts of socialization and cages large enough to properly allow dogs to socialize with their cage mates.[212] In addition, multiple animal welfare groups support socialization requirements. For example, the AVMA recommends that dogs have positive human contact and be able to have full-body contact with compatible dogs.[213] The CIEH has explained that socialization is "very important" for dogs, and provides guidance to ensure that dogs used for breeding are allowed adequate social contact both with other dogs and with humans.[214] And the ACT and the SFT require interaction between dogs and handlers.[215]

This requirement will not add any inspection burdens. Breeders are already required to provide exercise plans upon request. It would be no harder to have socialization plans available for inspection by APHIS.

F. Retirement

1. The Lack of Regulation Allows Non-Profitable Dogs to be Treated Callously or Inhumanely

No regulation currently exists to govern how commercial breeding facilities treat their adult dogs who are no longer producing puppies or the puppies they cannot sell. Breeders are only directed to keep records showing whether and how they disposed of their dogs.[216] As a result, commercial breeding facilities are free to have their non-producing dogs and "unsellable" puppies euthanized so long as they provide "adequate guidance" to personnel involved in the

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211 Animal Welfare; Standards, Final Rule, 56 Fed. Reg. 6426, 6447 (Feb. 15, 1991).
212 Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).
213 AVMA Model Bill, *supra* note 65.
214 CIEH Model License, *supra* note 109.
215 SFT Position Statement, *supra* note 106.
216 *See* 9 C.F.R. § 2.75(a)(1)(ix) (2014).

euthanasia. Because euthanasia is a veterinary practice, under most state laws the person performing euthanasia must be a veterinarian or euthanasia technician, but the regulations do not specify that a veterinarian has to be involved.[217]

Inhumane, commercial breeding facilities often leave retired breeding dogs in poor conditions or euthanize the dogs.[218] Similarly, many commercial breeders discard puppies when the puppies become too old—in the eyes of the commercial breeder—to sell, or when they have a physical irregularity or appearance that makes them difficult to sell.[219] Yet many of these adult dogs and "unsellable" puppies are still young and healthy enough to enjoy at least several more years of life. There is no medical need to euthanize these dogs. These dogs are killed merely because they are no longer profitable.

2. New Regulations Are Necessary to Protect Retired Dogs and "Unsellable" Puppies

USDA should add sections under 9 C.F.R. Part 3, Subpart A, to protect the welfare of retired breeding dogs and puppies the breeders will not sell. If the breeder chooses not to keep the dog, the breeder must make all reasonable efforts to find placement with an adoptive family, rescue organization, or other appropriate owner for that dog. Euthanasia should only be permitted as a last resort. In addition, the regulations should prohibit sale at auction or otherwise placing a retired breeding dog with another breeder for breeding purposes.[220]

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217 *See* 9 C.F.R. § 2.40(b)(4).

218 *E.g.*, *Colorado Animal Rescue Saves Discarded Dogs, Finds Homes for Them*, Fox 31 Denver (Nov. 21, 2012), http://kdvr.com/2012/11/21/colorado-animal-rescue-saves-discarded-dogs-from-horrible-lives-or-worse/ (writing that over 7,000 dogs had been rescued from puppy mills in five years, with most adult dogs discarded because they "may not be able to produce puppies any longer, they may be old or sick, or the breeder might be going out of business," and puppies discarded because "they are too old to sell to pet stores"); *see also* Alex Mayyasi, *How We Treat Pets in America*, PriceOnomics Blog (Feb. 28, 2013), http://blog.priceonomics.com/post/44230885813/how-we-treat-pets-in-america ("Oftentimes, after the breeder dog has reached the age of 4 years, it is no longer needed and killed.").

219 *See id.*

220 Auctions can be the site of bad conditions, and have the potential to move dogs out of the eye of APHIS inspectors. *See* AnimalFolksMN, *Issue: Auctions*, http://www.animalfolksmn.org/auctions2.html (last visited Nov. 18, 2014).

USDA inspectors can ascertain compliance by looking at a dog's records, which should detail whether she has been rehomed, retained, or euthanized.

G. Access to Potable Water

1. The Current Regulations Do Not Ensure Dogs Have Continuous Access to Potable Water

Under current regulations, breeders are only required to offer water "as often as necessary to ensure [the dog's] health and well-being, but not less than twice daily for at least 1 hour each time."[221] The regulations do not establish that the water must not be frozen.

In practice, Petitioners frequently see dogs without access to potable water, or with access to frozen water only. It is well established that in captivity, "[a]nimals should have access to fresh, potable, uncontaminated drinking water according to their particular requirements. . . . In cold weather, steps should be taken to prevent freezing of outdoor water sources."[222] This is a basic question of comfort for dogs. Several states already require dogs to have continuous, or "easy and convenient," access to potable water that is not frozen.[223] Under the current federal standard, however, inspections have discovered dogs who only had access to water that was frozen solid, which in some instances was met merely with a warning.[224]

2. The Regulations Need to Be Amended to Make Potable Water Available At All Times

The Agency should amend the regulations to require continuous access to potable, uncontaminated water that is not frozen. This regulation has the additional advantage of being

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221 9 C.F.R. § 3.10.

222 Guide for the Care and Use of Laboratory Animals, *supra* note 98, at 67-68.

223 *See* Mich. State Univ. Animal Legal & Historical Ctr., Table of State Commercial Pet Breeders Laws, https://www.animallaw.info/topic/table-state-commercial-pet-breeders-laws (last visited Aug. 30, 2015) (listing, e.g., Mo. Rev. Stat. § 273.345(4)(8); Neb. Stat. § 54-640(5); Or. Rev. Stat. § 167.310(9)(b)); *see also* Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition (Exhibit G).

224 Horrible Hundred 2015, *supra* note 100, at 15-16, 27.

more easily enforceable: currently, it is difficult, if not impossible, for inspectors to know whether a dog has actually received water that day.

V. CONCLUSION

The new regulations discussed in this Petition are sorely needed to update the current inadequate standards for commercial breeding facilities, some of which were promulgated more than two decades ago and are based on outdated research. Many inhumane, commercial breeding facilities comply only with the absolute minimum standards required, leading to squalid conditions. These conditions are severely harmful to the physical and emotional health of the many dogs housed in such facilities across the country.

Stronger, more concrete, and enforceable minimum standards are needed to protect the well-being of dogs in commercial breeding facilities, as required by the AWA. Responsible, humane breeders are likely already in compliance with all or most of these proposed requirements. These regulations therefore are narrowly targeted at those facilities that provide only (and too often not even) the absolute minimum of care. The regulations proposed by this Petition, which are attached hereto as Exhibit A, are within USDA's authority to promulgate—in fact, amending the regulations to ensure humane standards of care is the agency's *obligation* under the statute. A majority of Americans support regulations like the ones proposed here, as shown by the survey attached hereto as Exhibit K. By adopting the Petitioners' recommendations, the Agency will dramatically improve the lives of the tens of thousands of dogs forced to spend their lives in large commercial breeding facilities, the puppies born there, and the consumers obtaining their dogs from these facilities. We urge the Agency to comply with its obligations under the AWA and promulgate these reasonable, commonsense, and scientifically supported regulations.

Respectfully submitted,

Michael Markarian
Chief Program & Policy Officer
The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037

Susan B. Krebsbach, DVM
Veterinary Advisor
Humane Society Veterinary Medical Association
1000 Wesley Road
Oregon, WI 53575

Nancy Perry
Senior Vice President, Government Relations
The American Society for the Prevention of Cruelty to Animals
424 E. 92nd Street
New York, NY 10128

Stijn van Osch
Amanda E. Potter
Jessica R. Munitz
Lawrence A. West
Latham & Watkins LLP
Counsel for the Humane Society of the United States
555 Eleventh Street, NW
Washington, DC 20004

Exhibit A

Proposed Regulations

Proposed New and Revised Regulations to Increase Minimum Standards at Commercial Breeding Facilities[1]

Proposed Revisions to Improve Temperature Regulation

9 C.F.R. § 3.2 Indoor housing facilities & § 3.3 Sheltered housing facilities.

(a) *Heating, cooling, and temperature.* [Indoor/sheltered] housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. The ambient temperature must not fall below 45 °F (7.2 °C), or rise above 85 °F (29.5 °C) when dogs are present.

> (1) The ambient temperature in the facility must not fall below 50 °F (10 °C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian.

Proposed Revisions to Prohibit Wire Flooring

9 C.F.R. § 3.6 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: . . .
>
> > (x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that do not allow the dogs' and cats' feet to pass through, or become wedged or entrapped in, any openings in the floor;
> >
> > (xi) Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
> >
> > (xii) Contain flooring made only of the following materials: grass, gravel, cement, solid plastic or vinyl, or slatted flooring.
> >
> > > (A) If a primary enclosure has slatted flooring, the slats must meet the following criteria: be flat; have spaces

[1] For existing sections, this Exhibit contains proposed revisions to the cited sections and subsections. This Exhibit also proposes to add new sections, as indicated by the use of section numbers that do not exist yet.

between them that are no more than 0.5 inch in width; have spaces between them that run the length or the width of the floor, but not both; be no less than 3.5 inches in width; be level with the slat next to it within a single primary enclosure.

(B) A primary enclosure may also in part contain flooring that is made of non–abrasive, stamped, coated metal made specifically for dog kennels (e.g. Tenderfoot), but only for such parts of the flooring that are provided in excess of the minimum space allotments required by 9 C.F.R. **§** 3.6(c)(1).

(C) If a primary enclosure has a suspended floor, such floor must be made of a solid material and must be strong enough so that the floor does not sag or bend between the structural supports.

(xiii). Primary enclosures constructed on or after _____, 2015 and floors replaced on or after that date, must comply with the requirements in paragraph (a)(2)(x)-(xii) of this section. On or after _____, 2016, all primary enclosures must be in compliance with the requirements in paragraph (a)(2) of this section.

Proposed Revisions to Increase the Space Requirements

9 C.F.R. § 3.6 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 double that result to find the required floor space in inches. Then divide the product by 144 to find the required floor space in square feet. The calculation is: (length of the dog in inches + 6) x (length of the dog in inches + 6) x 2 = required floor space in inches. Required floor space in inches / 144 = required floor space in square feet.

(ii) The interior height of a primary enclosure must be sufficient to allow the tallest dog in the enclosure to stand on his or her hind legs without touching the roof of the enclosure.

Proposed Revisions to Prohibit Stacking of Primary Enclosures

9 C.F.R. § 3.6 Primary enclosures.

(c) Additional requirements for dogs. – . . .

(4) Prohibited means of primary enclosure.

(i) Tethering. Permanent tethering of dogs is prohibited for use as primary enclosure. Temporary tethering of dogs is prohibited for use as primary enclosure unless approval is obtained from APHIS.

(ii) Stacking. Primary enclosures may not be stacked or otherwise placed above or below any other primary enclosure.

Proposed Revisions to Ensure Adequate Exercise and Socialization with Humans

Replace 9 C.F.R. § 3.8 with the following:

9 C.F.R. § 3.8a Exercise for dogs—Exhibitors and research facilities.

Exhibitors and research facilities must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan must be approved by the attending veterinarian. The plan must include written standard procedures to be followed in providing the opportunity for exercise. The plan must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding Federal agency. The plan, at a minimum, must comply with each of the following:

(a) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any exhibitor or research facility, including Federal research facilities, must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by § 3.6(c)(1) of this subpart.

(b) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by any exhibitor or research facility, including Federal research facilities, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

(1) Housing in compatible groups is not in accordance with a research proposal and the proposal has been approved by the research facility Committee;

(2) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or

(3) Any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The frequency, method, and duration of the opportunity for exercise shall be determined by the attending veterinarian and, at research facilities, in consultation with and approval by the Committee.

(2) Exhibitors and research facilities, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.

(3) The opportunity for exercise may be provided in a number of ways, such as:

(i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of § 3.6(c)(1) of this subpart;

(ii) Maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by § 3.6(c)(1) of this subpart;

(iii) Providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(iv) Other similar activities.

(4) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(d) Exemptions.

(1) If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the exhibitor or research facility may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by the attending veterinarian.

(2) A research facility may be exempted from the requirements of this section if the principal investigator determines for scientific reasons set forth in the research proposal that it is inappropriate for certain dogs to exercise. Such exemption must be documented in the Committee-approved proposal and must be reviewed at appropriate intervals as determined by the Committee, but not less than annually.

(3) Records of any exemptions must be maintained and made available to USDA officials or any pertinent funding Federal agency upon request.

9 C.F.R. § 3.8b Exercise for dogs—Dealers.

(a) Dealers must maintain their facilities such that all dogs over the age of 12 weeks have unfettered access to an exercise area from their primary enclosures during daylight hours. Such exercise area shall be at ground-level, made of solid flooring, enclosed, properly controlled for the dogs' safety, and be at least two times the primary enclosure space required by 9 C.F.R. **§** 3.6(c)(1).

(b) A dealer does not have to satisfy the requirement in paragraph (a) for an individual dog, if the dealer obtains a certification from the attending veterinarian stating that that the dog should not have unfettered access to an exercise area. The attending veterinarian must instead prescribe an alternative and appropriate exercise plan for the individual dog that meets the requirements in 9 C.F.R. § 3.8a.

9 C.F.R. § 3.8c Socialization for dogs—Dealers.

Dealers must provide positive physical interaction for every dog over the age of six weeks for a total of at least 30 minutes per day with at least one human. For adult dogs, the interaction may involve multiple dogs at a time, as long as those dogs are compatible with one another. For dogs younger than six months of age, the interaction may not involve multiple dogs at a time. Positive physical interactions include, but are not limited to, petting, stroking, grooming, feeding, playing with, exercising, or other touching which is beneficial to the well-being of the dog. Positive physical interaction does not include veterinary care or other activities that may be stressful for the dog.

Proposed Revisions to Ensure Adequate Access to Potable Water

9 C.F.R. § 3.10 Watering.

Potable liquid water should continuously be available to the dogs and cats. Water receptacles must be kept clean and sanitized in accordance with §3.11(b) of this subpart, and before being used to water a different dog or cat or social grouping of dogs or cats.

Proposed New Regulation to Ensure Safe Breeding Practices

9 C.F.R. § 3.20 Breeding standards.

(a) Dealers must give female dogs adequate rest between breeding cycles. Dealers may not breed a female dog to produce more than two litters in any 18 month period nor more than six litters during that dog's lifetime.

(b) Dealers may not breed female dogs of small breeds (weighing less than 40 pounds when fully mature) before they reach the age of 18 months, or after they reach the age of 9 years. Nor may dealers breed female dogs of large breeds (weighing 40 pounds or more when fully mature) before they reach the age of two years, or after they reach the age of 7 years.

(c) Dealers may not breed a dog prior to having such dog screened, pursuant to a reasonable screening program approved by the attending veterinarian, for known prevalent inheritable diseases that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring. No dog shall be bred unless the dog is free from health conditions that may be disabling or likely to significantly affect the lifespan or quality of life of the offspring, as documented by a licensed veterinarian at each examination.

(d) Any canine caesarian section must be performed by a licensed veterinarian.

Proposed Revisions to Ensure Adequate Veterinary and Preventative Care

Subpart D – Attending Veterinarian and Adequate Veterinary Care

9 C.F.R. § 2.40 - 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: . . .

(6) For dealers only, veterinary and preventive care must meet the following minimum requirements:

(i) *Preventive care*. Each dog must receive adequate preventive care, including at a minimum:

(A) Core vaccinations recommended by the current version of the American Animal Hospital Association Canine Vaccination guidelines [currently including the distemper virus, parvovirus, and adenovirus], as well as all other vaccinations recommended by the attending veterinarian;

(B) Rabies vaccinations for all dogs over the age of four months to be administered by a veterinarian; and

(C) Regular administration of medications to prevent intestinal parasites, heartworm disease, fleas, and ticks.

(ii) *Annual examination.* Each dog must receive at least one hands-on veterinary examination by the attending veterinarian during each 12-month period. The examination must include:

(A) A comprehensive physical examination, dental assessment, pain assessment, and body condition scoring; and

(B) For intact male dogs, an evaluation for prostate and testicular disease.

(iii) *Breeding dogs.* All breeding dogs must be examined by the attending veterinarian in the following manner:

(A) Female dogs, at least at each annual examination required by this section, should be examined for any communicable diseases or conditions that would be exacerbated by breeding, pregnancy, or whelping; for pyometra and mammary neoplasia; and should have a body condition score of at least 3 to ensure a healthy pregnancy and whelping.

(B) Both male and female dogs, prior to the first breeding, should be examined for hereditary disorders that may disable or significantly affect the lifespan or quality of life of the offspring, in accordance with 9 C.F.R. § 3.20(c).

(C) The attending veterinarian must document, at least at each annual examination required by this section, that breeding dogs are healthy and free of any communicable diseases or conditions that would be exacerbated by breeding, pregnancy, or whelping.

(iv) *Surgical Procedures.* Dealers who do not have a license to practice veterinary medicine in the state where they reside shall not perform any surgical procedures on dogs.

(v) *Euthanasia*. When needed, euthanasia must be performed by a licensed veterinarian using lawful, humane techniques accepted by veterinary organizations, including the American Veterinary Medical Association Euthanasia Guidelines.

(7) All veterinary examinations must be documented by the veterinarian, and such documentation must be maintained by the breeder for a period of three (3) years and made available to APHIS inspectors upon request.

Proposed New Regulation to Ensure Proper Grooming

9 C.F.R. § 3.21 Grooming.

Each dealer shall establish and maintain programs of adequate grooming that include regular grooming of the fur, nail trimming, and dental care as needed for the safety and comfort of each dog based on that dog's breed, or at least twice a year, whichever is more frequent.

Proposed New Regulations Regarding Treatment of Non-breeding and Unsold Dogs

9 C.F.R. § 3.22 Treatment of non-breeding adult dogs.

Dealers must establish and maintain programs for the treatment of adult dogs that are unable to breed but that are otherwise in good health. The programs, at a minimum, must comply with each of the following:

(a) Dealers may not sell to or place such dogs with an auction or with another dealer for breeding purposes; and

(b) Dealers who choose not to keep such dogs must make all reasonable efforts to find placement with adoptive families, rescue organizations, or other owners who are not dealers or auctions.

9 C.F.R. § 3.23 Treatment of unsold puppies.

Dealers must establish and maintain programs for the treatment of puppies that they are unable to sell but that are otherwise in good health. The programs, at a minimum, must comply with each of the following:

(a) Dealers may not sell to or place such dogs with an auction; and

(b) Dealers who choose not to keep such dogs must make all reasonable efforts to find placement with other dealers, adoptive families, rescue organizations, or other owners who are not auctions.

Exhibit B

Examples of Localities with Ordinances Restricting Retail Sales

Examples of Localities in the United States and Canada with Ordinances Restricting the Retail Sale of Puppies[1]

United States:

City/State	Enacted	Description
Albuquerque, NM	2006, effective 2007	Albuquerque Code of Ordinances § 9-2-3-7(H)(9), available at http://www.amlegal.com/albuquerque_nm/ "Puppies and kittens shall not be sold to a Pet Store, Animal Broker or other animal dealer."
South Lake Tahoe, CA	2009, effective 2011	South Lake Tahoe City Code § 6.55.350, available at http://www.codepublishing.com/CA/SouthLakeTahoe/#!/SouthLakeTahoe06/SouthLakeTahoe0655.html "No pet store operator or pet store shall display, sell, deliver, offer for sale or adoption, barter, auction, give away, or otherwise dispose of cats or dogs in the city of South Lake Tahoe."
Austin, TX	2010	Austin Code of Ordinances §§ 3-1-1 & 3-2-3, available at https://www.municode.com/library/tx/austin/codes/code_of_ordinances "A pet trader commits an offense if the pet trader conducts an off-site retail sale [i.e., at a location other than where the cat or dog was bred]."
Lake Worth, FL	2011	Lake Worth Code of Ordinances § 6.8, available at http://library.municode.com/index.aspx?clientId=10091 "No pet store shall display, sell, trade, deliver, barter, lease, rent, auction, give away, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the city on or after the effective date of this chapter."
Glendale, CA	2011	Glendale Code of Ordinances § 6.10, available at https://www.municode.com/library/ca/glendale/codes/code_of_ordinances "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."

[1] This list is for illustrative purposes only. A more complete list of the more than 70 local laws restricting retail pet sales can be found at http://bestfriends.org/Resources/Jurisdictions-With-Retail-Pet-Sale-Bans.

City/State	Enacted	Description
Point Pleasant Beach, NJ	2012	Borough of Point Pleasant Beach Municipal Code § 5-23.2, available at http://clerkshq.com/default.ashx?clientsite=pointpleasantbeach-nj "No pet store operator or pet store shall sell, deliver, offer for sale, barter, auction or otherwise improperly dispose of cats, dogs or other mammals . . . ."
Los Angeles, CA	2012	Los Angeles Municipal Code § 53.73, available at http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc "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 . . . ."
Burbank, CA	2012	Burbank Municipal Code § 5-1-1439, available at http://www.codepublishing.com/ca/burbank/ "No pet shop shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of dogs or cats in the City of Burbank . . . ."
Hoboken, NJ	2013	Hoboken Municipal Code § 93-15, available at http://www.ecode360.com/HO0741 "No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of cats or dogs, or both, in the City of Hoboken."
San Diego, CA	2013	San Diego Municipal Code § 42.0706, available at http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml "It is unlawful for any person to display, offer for sale . . . or sell any live dog, cat, or rabbit an any pet shop, retail business, or other commercial establishment located in the City of San Diego . . . ."
Palmetto Bay, FL	2013	Palmetto Bay Code of Ordinances § 30-60.31, available at https://www.municode.com/library/fl/palmetto_bay "[P]et stores, shops or care centers shall be precluded from displaying, selling . . . or otherwise dispose of dogs or cats in the Village of Palmetto Bay . . . ."
Ventura County, CA	2013	Ventura County Code of Ordinances § 4428, available at https://www.municode.com/library/ca/ventura_county/codes/code_of_ordinances "It shall be unlawful for any person to sell any dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the unincorporated areas of the County . . . ."

City/State	Enacted	Description
Toledo, OH	2013	Toledo Municipal Code § 1705.10, available at http://www.amlegal.com/library/oh/toledo.shtml "[I]t shall be unlawful for any person to display, offer for sale . . . or sell any live dog or cat in any pet shop, retail business or other commercial establishment . . . ."
Phoenix, AZ	2014	Phoenix City Code § 8-3.06, available at http://www.codepublishing.com/az/phoenix/ "No pet shop or pet dealer shall display, sell . . . or dispose of a dog or cat . . . ."
Chicago, IL	2014, effective 2015	Chicago Ordinance (Adding Municipal Code § 4-384-015), available at http://docs.chicityclerk.com/press/2014/20140205-pr-companion-animal-ordinance.pdf "A retailer may offer for sale only those dogs, cats or rabbits that the retailer has obtained from [a government-operated facility, humane society, or rescue organization]."
Cook County, IL	2014	Cook County Code of Ordinances § 10-13, available at https://www.municode.com/library/il/cook_county/codes/code_of_ordinances "A pet shop operator may offer for sale only those dogs, cats or rabbits obtained from [a government-operated facility, humane society, rescue organization, or USDA licensed breeder with five or fewer breeding females]."
Miami Beach, FL	2014, effective 2015	Miami Beach Code of Ordinances § 10-18, available at http://www.municode.com/library/fl/miami_beach/codes/code_of_ordinances "[P]et dealers and pet shops shall not display, sell . . . or otherwise dispose of dogs or cats in the City . . . ."
East Providence, RI	2014	East Providence Ordinance No. 607 (Ord. Book No. 20, at 72) (adding East Providence Revised Ordinances § 3-68), available at http://clerkshq.com/default.ashx?clientsite=eastprovidence-ri "It is unlawful for any person to display, offer for sale . . . or sell any live dog or cat in any pet store, retail business or other commercial establishment located in the City of East Providence."

City/State	Enacted	Description
Palm Beach, FL	2015	Palm Beach Ordinance No. 19-2014 (adding Palm Beach Code of Ordinances § 10-46), available at http://bestfriends.org/uploadedFiles/Content/Resources/Resources_for_Rescuers(1)/Help_for_Individuals/Palm-Beach-Jan-2015.pdf "Sale or Transfer of Dogs and/or Cats prohibited. No pet store shall display, sell, . . . or otherwise dispose of dogs or cats in the Town of Palm Beach . . . ."

Canada:

City/State	Enacted	Description
Richmond, B.C.	2010	Richmond Bylaw No. 7538 § 12.8 & Schedule B(8) (Prohibited Animals), available at http://www.richmond.ca/__shared/assets/Bylaw7538_10271439979.pdf "A pet store operator must not . . . sell, offer to sell, or display to the public . . . any prohibited animal [including puppies and dogs]."
Toronto, Ont.	2011	Toronto Municipal Code § 545-260.1 & 260.2, available at http://www.toronto.ca/legdocs/bylaws/lawmcode.htm "Every retailer, including any person or business that sells more than 10 dogs per year, must obtain animals from one of the following sources only: (A) municipal animal shelters; (B) registered humane societies; (C) registered shelters or rescue groups; or (D) from people who have surrendered their pets to them at no charge." "Every keeper of a pet shop must obtain cats and dogs from only the following sources: [shelters, humane societies, or rescue groups]."
Mississauga, Ont.	2012	Mississauga Business Licensing By-Law 1-06, Schedule 20, available at http://www7.mississauga.ca/documents/bylaws/Business_Licensing_2014.pdf "Every Person licensed under this By-law and Schedule shall . . . if such person sells more than 10 cats or dogs per year, obtain these animals from one of the following sources only: municipal animal shelters; registered humane societies; registered shelters; or rescue groups."
New Westminster, B.C.	2012	New Westminster Pet Store Bylaw No. 7398, 2010 and Amendment Bylaw 7546, 2012, available at http://www.newwestcity.ca/database/rte/files/7398PetStore.pdf "No person shall sell or offer for sale to the public any dog, cat, . . . in a pet store or other type of retail premises, with the exception of those animals offered for adoption from a recognized animal rescue society or shelter organization."

City/State	Enacted	Description
Kingston, Ont.	2013	Kingston Business By-Law, No. 2006-213, Schedule P-2, available at https://www.cityofkingston.ca/city-hall/bylaws "No dog, cat, or rabbit shall be purchased or taken in for free for sale by a pet store . . . ."

Exhibit C

Sample of Complaints to HSUS Regarding Puppies from USDA Licensed Breeders

Sample of Complaints to the Humane Society of the United States Regarding Puppies from USDA Licensed Breeders[1]

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
5/18/2010	Fuchshofer, Carole of PA	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Complainant purchased wheaten terrier on May 7, 2006 at Petland in Robinson Towne Center, Pittsburgh, PA. She dealt with the manager, Rick, who assured her they did not deal with puppy mills, that her puppy would be healthy, etc., and was adamant that Petland gave a fabulous one-year health guarantee and that if any problems developed, Petland would pay the vet bills. Within ten days. Complainant's vet told her that the puppy had already been on meds for a bacterial infection that she still had in her intestinal tract. When the puppy was almost one year old, she developed food allergies, bladder infections, and was diagnosed with PLE/PLN, a protein losing genetic disease found in some wheaten terrier. She was hospitalized for a few days and the emergency vet told her that she would die within a few months. The disease is usually fatal but she was able to survive through a special diet.
4/5/2009	Harris, Mike and Diana of PA	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Complainant purchased Chihuahua from Petland on Aug. 6, 2008. She was diagnosed 8 days later with parvo, and died on Aug. 19th. Petland's vet signed a clean health record on July 29, 2008. He is the same vet who hospitalized the puppy on Petland's insistence, treated her for parvo, and euthanized her. She has documentation.
3/19/2009	[Redacted] of MI	Hazel Coleman -- Dog N Ass Farm, License No. 43-A-2640	Lebanon, MO	Buyer purchased a male Soft Coated Wheaten Terrier. The puppy had frequent ear infections and likely hip dysplasia, as well as a painful dental issue requiring surgery. The vet who did his surgery wrote: "His lower jaw was longer than his upper and was too narrow to contain a full complement of incisor teeth. This resulted in overcrowding of the

[1] These complaints were all received by the HSUS and are on file with the HSUS. Names are used where complainants gave explicit permission to do so. Otherwise, names have been redacted.

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
				lower incisors and the 2 lower canine teeth hit the roof of his mouth causing injury and trauma to the palate. To alleviate pain and discomfort I amputated a portion of the crowns of the lower canine teeth and performed a pulp (nerve) treatment and sealing. An amalgam filling was placed into each tooth. Jaw length could possibly be related to heredity or genetics influences and environmental issues may play a role."
10/5/2011	[Redacted]	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer purchased St. Bernard and buyer's mother purchased chi-dachshund mix from same breeder. The St. Bernard arrived almost dead, and the chi-mix also needed vet care. Buyer willing to provide any information that would be helpful.
12/30/2010	Doerges, Heather of SD	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer's dog is a 7 month old German Shorthair Pointer. She had diarrhea since she arrived. She had a rough battle with conjunctivitis, kennel cough, giardia and coccidia. It took 6 rounds of Metro and 3 rounds of Panacur (one round lasted an uncommon 10 days) to get a negative fecal result. Yet the diarrhea persisted, along with a lot of blood. Was advised to euthanize but refused. Buyer tried many things over a period of months. Still no change. Buyer has been told she probably won't live long. Dog has IBD, Lymphactasia, allergies, and is probably going to end up with protein losing entropathy and possibly EPI. They have spent over $2000 trying to help her get better.
9/16/2011	[Redacted] of NY	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Complainant purchased the puppy from a pet store, Shake a Paw in Long Island, when she saw that it was sick. Puppy was wheezing and possibly had pneumonia. The dog is now 20 months old and has been diagnosed with hip dysplasia in both hips. Buyer is very passionate and willing to do anything to help.
12/29/2010	[Redacted]	Jeff Fortin & Lizann Miller, License No. 47-A-0564	Oberlin, KS	Buyer purchased a Siberian Husky from North Washington Kennels on 8/31/10. Dog was immediately diagnosed with giardia, and it took almost a month to clear up. Buyer is willing to provide any help

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
				needed.
1/30/2012	Arellano, Michele of IL	Kristi Rath, License No. 42-A-1408	Lacona, IA	Several days after purchase, puppy exhibited and was aggressively treated for kennel cough over weeks with many antibiotics. Puppy also had discharge from nose and eyes. In January, she started having a jaw tic, and then a day later had seizures. She was treated at VMA Specialty Hospital in Aurora under a neurologist care. An MRI was done and a spinal tap. The puppy never recovered from anesthesia w/o seizures and buyer had to have the puppy put to sleep on 1/12/12. End result was Distemper diagnosis.
4/2/2009	Clarke, Anne of NC	Kathie & William Blomberg -- Locust Creek Farm, License No. 43-A-1116	Versailles, MO	Several months after purchase, puppy became ill with a fever of 105. The vet did a blood test, an exam, and an x-ray. Puppy had pain in her hindquarters -- vet suspected discospondylitis but could make no definitive diagnosis. Puppy's pain intensified and buyer took the puppy to a neurologist, who diagnosed the puppy with polyarthritis and prescribed doxycycline, Clindamycin, and prednisone. She remained on prednisone for a long time. Some time later, the puppy had a very high fever, and another flare-up of the polyarthritis. Two years after purchase, dog began acting strange, and buyer came home to see the kitchen floor covered urine, dog was limping and her eyes were not visible. Her blood glucose and urine glucose levels were very off. She was diagnosed with diabetes, probably as a result of being on prednisone long-term. Since then, she has been taking insulin twice a day. In sum, dog has polyarthritis, diabetes, and an immune deficiency disease, and continues to have health issues.
12/7/2011	[Redacted]	Kathie & William Blomberg -- Locust Creek Farm, License No. 43-A-1116	Versailles, MO	Buyer's puppy was in terrible condition from the start -- intestinal worms, ear mites, etc., which took extensive efforts to cure.
5/18/2010	[Redacted] of	Kathie &	Versailles, MO	Buyer bought puppy from Petland. Within a week and a half, she was

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
	TX	William Blomberg -- Locust Creek Farm, License No. 43-A-1116		deathly ill. She was dehydrated, running a high fever and had to be put on an IV. She remained in the hospital for several days, but ultimately recovered.
8/29/2009	[Redacted] of IL	Michelle Sonnenberg, License No. 41-A-0021	Detroit Lakes, MN	Buyer purchased Shetland Sheepdog from Park Pet. He was only 7 weeks and 6 days old and only 1.1 pounds. At 8 months old he was diagnosed with moderate hip dysplasia, and must be on medication for the rest of his life.
3/19/2009	[Redacted] of PA	Michelle Sonnenberg, License No. 41-A-0021	Detroit Lakes, MN	Buyer purchased Cairn Terrier from Petland - puppy had a lower respiratory infection. When administered antibiotics she vomited immediately. Vet discovered that the puppy had a severe bronchial issue; puppy also has major separation anxiety and vision issues.
2/1/2012	Michnick, Brittany of IL	Monroe Hochstetle, License No. 43-A-5801 (previously 43-A-5312)	Princeton, MO	A couple of months after purchase, buyer noticed significant amount of discharge coming from her puppy's eyes and ears. The vet put her on antibiotics and multiple ointments and told buyer to call if she wasn't getting better after a week. The puppy's eye discharge persisted, and vet advised another round of antibiotics. Shortly thereafter, puppy began seizing foaming at the mouth. Vet said puppy likely had distemper.
5/22/2012	Dreyer, Kristine of IL	Monroe Hochstetler, License No. 43-A-5801 (previously 43-A-5312)	Princeton, MO	Buyer's boyfriend purchased puppy from store, and the puppy was sick from the start. The vet treated him for a respiratory infection and gave him antibiotics. He started to get better but then got worse, and he was placed on an IV antibiotic, and stayed in the hospital for 3 or 4 days. He recovered, but then within months he developed tremor in his legs. The vets said the puppy would grow out of it, but this continued for months. Also, his teeth never developed. The vet later determined from all these symptoms that the puppy had contracted distemper prior to purchase.

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
2/8/2013	Powell, Brittany of OH	Elam Fisher -- Morgan Creek Kennel, License No. 32-A-0298	Williamsburg, IN	Within a day of purchase, the puppy began to have diarrhea and blood in his stool. Vet diagnosed him with giardia, as well as an upper respiratory infection. Later it became clear the puppy was also deaf.
10/14/2012	Sheahan, K.	Elam Fisher -- Morgan Creek Kennel 32-A-0298	Williamsburg, IN	Two days after purchasers brought the puppy home from the pet store, he began to have a dry honking cough. The vet diagnosed him with kennel cough. Eight days and a round of antibiotics later, the puppy's cough not only became worse but he began to struggle to breathe. The cough had turned into pneumonia. The puppy also had giardia. He remained lethargic, refused to eat, and had trouble breathing. Outcome unknown.
11/30/2008	Mullen, Sharon of IN	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Puppy began coughing within one week of purchase. She continued to get worse, and began vomiting, which caused dehydration. The vet placed her on IV medication and administered oxygen. They also took x-rays, which revealed that one of her lungs had collapsed and the other was infected. She was ultimately euthanized.
2/8/2010	Fisher, Sarah of OH	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Buyer's Saint Bernard began having seizures about one year after purchase, and was diagnosed with epilepsy. His seizures have gotten progressively worse and more frequent, even with daily medication. With his type of seizures it is likely that his mother or father also had the condition.
8/5/2009	Kooy, Kim of IN	Playful Paw Kennel, License No. 32-A-0403	Williamsburg, IN	Complainant purchased a Cavalier King Charles. The puppy had medical issues immediately, and ultimately had to be euthanized.
2/22/2012	Wehrs, Sharon of IL	Prairie Lane Kennel, License No. 42-A-0331	New Sharon, IA	Complainant purchased a mini Dachshund puppy after the pet store assured her that she was healthy and did not come from a puppy mill. The vets discovered that she had mites, kennel cough, and a URI that could possibly turn in to pneumonia.

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
6/28/2013	Wickham, Bethany of CA	Ray and Steve Kruse, License No. 42-A-0575	Ogden, IA	Complainant purchased a bulldog puppy and within a month he has already had 2 different types of parasites, an upper respiratory infection, and bladder problems. Complainant is eager to help however possible.
4/1/2013	Segura, Maria of FL	Running River Kennels, License No. 71-A-0727	Altus, AR	Complainant purchased Yorkshire Terrier puppy from Petland in Sarasota, Florida. Puppy had kennel cough at first, but later through x-rays it became evident that the puppy had an enlarged heart, a genetic condition.
6/7/2013	Hammer, Rachel of NY	Brandi Cheney -- S & S Family Puppies / Circle B Farms, License No. 43-B-3698 (previously 43-B-0435)	Huntsville, MO	Complainant's puppy refused to eat almost immediately and was diagnosed with liver disease.
2/12/2012	Wyman, Chris of FL	Brandi Cheney -- S & S Family Puppies / Circle B Farms, License No. 43-B-3698 (previously 43-B-0435)	Huntsville, MO	Within the first week of purchasing a Shiba Inu puppy from Pampered Paws in Jacksonville, FL, buyer noticed three odd looking stitches on the puppy's belly. The puppy likely had had hernia surgery and the stitches looked "homemade."
1/25/2012	Sallee, Natalie of IL	Terry Glover, License No. 42-A-1358	Milton, IA	Complainant and her boyfriend adopted the puppy in 2012 from the original buyers via Craigslist. The puppy (Lucy) was diagnosed with distemper and a neurological issue and was euthanized on 1/24/2012. Original buyers did not disclose that she was sick when they gave her to the complainant and her boyfriend.
10/11/2009	Dorweiler, Tracie of IL	Barbara Neubert -- The	Vienna, MO	Buyer bought Italian Greyhound from Petland on 04/11/2009 in

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
		Neubert Kennels and Farms, License No. 43-A-5777		Crystal Lake, IL. Vet believes her indicated age was fabricated. Puppy had an umbilical hernia a few weeks prior to purchase.
3/29/2009	Grammer, Phoenix of WI	Barbara Neubert -- The Neubert Kennels and Farms, License No. 43-A-5777	Vienna, MO	Buyer purchased Siberian Husky puppy from Petland for $1,100 and she has been on medication since then. Puppy initially had a cough but then began to vomit and developed high fever. After a week of medication, the puppy still had a high fever. Puppy has continued to have health issues.
10/5/2012	[Redacted] of MO	Barbara Neubert -- The Neubert Kennels and Farms, License No. 43-A-5777	Vienna, MO	Buyer actually went to the facility and observed cages/kennels stacked on top of each other, dogs exposed to the elements, and other unsanitary conditions. Purchased a puppy anyway, and she ended up having a genetic issue -- an "incomplete ossification of the humeral condyles," leaving her prone to fractures in her elbow. She did suffer a fracture in her right elbow after purchase, and underwent surgery. It was also discovered at the University of Missouri Vet Clinic that the puppy had a pre-existing fracture on the left elbow that was not disclosed to the buyer prior to purchase on her left elbow. The fracture was not properly treated, causing the puppy's left leg to curve, which will cause her to suffer from arthritis.
8/16/2012	Rode, Kristin	Tornado Alley Kennel, License No. 43-A-4748	Freeburg, MO	Complainant purchased a long haired dachshund, and the following day the puppy (Barley) seemed very lethargic, refused eat anything, and began having bloody stool. After an examination, the vet gave her liquids to get her rehydrated and medication. After showing no change, she was hospitalized and remained there for 5 days. Outcome unknown.
10/1/2011	Staudinger, Justen of CO	Waterman Farms, License No. 48-A-1742	Atwood, KS	Buyer purchased puppy on Sept. 8th and she died on the 23rd. She arrived very dirty and smelled of urine, and several weeks later she became very lethargic and her gums became white. She was rushed to the vet, where she was diagnosed with parvo. She died shortly

Complaint Date	Complainant	Breeder	Breeder Location	Complaint
				thereafter. The store offered buyer another puppy, which he agreed to. Second puppy had loose stool and worms, as well as a wheezing cough. She was placed on antibiotics. Outcome unknown.

Exhibit D-1

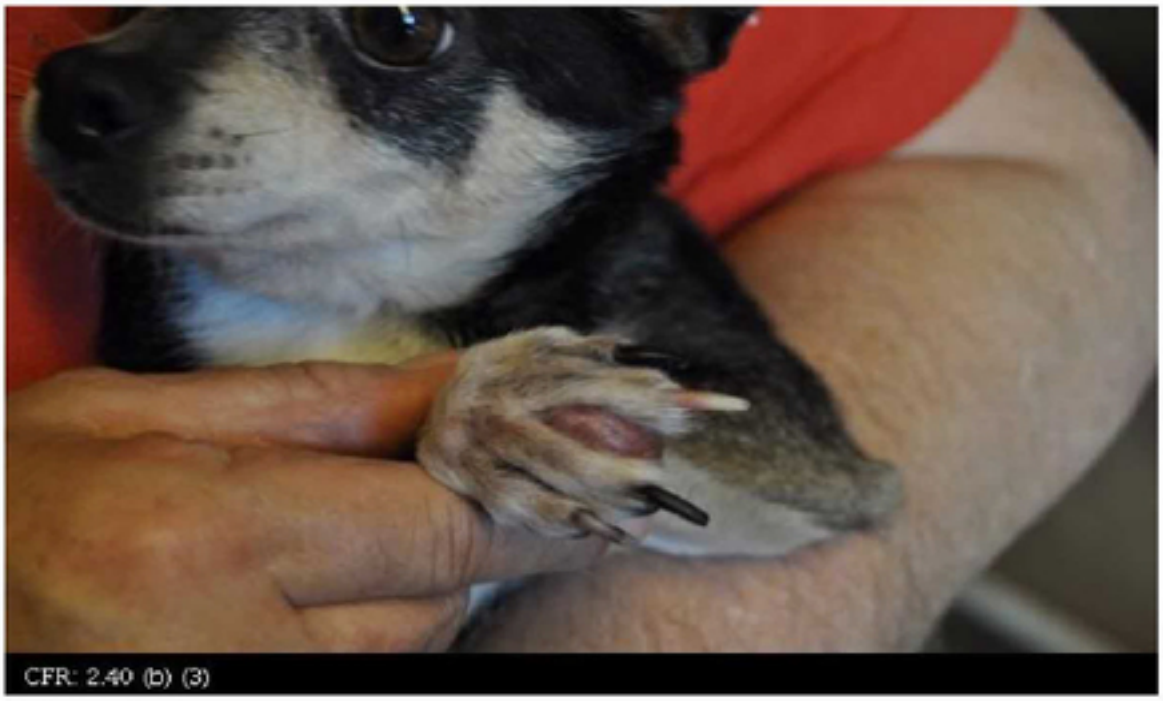
Photographs of Wire Floors and Injured Paws

Photographs of Wire Floors and Injured Paws[1]

Left: male Maltese with bleeding lesion between the toes on the left front paw. From inspection of Cathy Griesbauer & Mary Foster, License # 43-A-1843, 12/4/13

Below: Dachshund straddling widely-spaced wire flooring. From inspection of Cathy Griesbauer & Mary Foster, License # 43-A-1843.

[1] These pictures were obtained by the Petitioners from USDA through FOIA requests.



Photographer:	Sandra Meek, ACI	Legal Name: ANITA GUSTIN	71-B-0123
Photo Taken:	Thu, Apr 10, '14 11:30am		
Inspection:	5914121935851O		
Description:	Adult female Chihuahua,#4949196A4A, has an enlarged red area between the two middle digits of the left front paw. The animal needs to be evaluated by the attending veterinarian.		

Above: adult female Chihuahua found by USDA with swollen area between toes, probably due to wire flooring.

Inspection discovered puppies unable to move due to feet falling through the openings in the wire flooring. (July 20, 2011)

Exhibit D-2

Photographs of Dogs Without Clean Spots

Photographs of Dogs Who Have No Clean Spots Available to Lie Down[1]

Taken at certificate holder Angela Fields' facilities (report no longer available online)

[1] These pictures were obtained by the Petitioners from USDA through FOIA requests.

Taken at certificate holder Anita Baker's facilities (report no longer available online)

Taken at certificate holder Corrinda Keezer's facilities (report no longer available online)

Both taken at certificate holder Daryl Kendrick’s facilities (report no longer available online)

Taken at certificate holder Nick and Tiffany Menne’s facilities (report no longer available online)

Exhibit D-3

Photographs of Stacked Cages

Photographs of Stacked Cages

Photos from nopetstorepuppies.com

Debra Pratt

10/4/12

Moses and Barbara Lantz

5/22/12

Moses and Barbara Lantz

5/22/12

“Enterprise kennels”: MC Daniel, Mark & Glenda

4/5/11

“Circle B Kennel”: Susie Black

6/22/11

Ruth Hargrove

10/3/12

Ruth Hargrove

10/3/12

Clarence Anderson

11/1/12

Danny & Vickie Ubben

6/12/13

Danny & Vickie Ubben

6/12/13

Robert Beachy

9/5/13

“Brownlee’s Furry Friends”: Robert Brownlee

8/10/10

Barbara & Dale Lanning

9/4/13

Wayne Miller

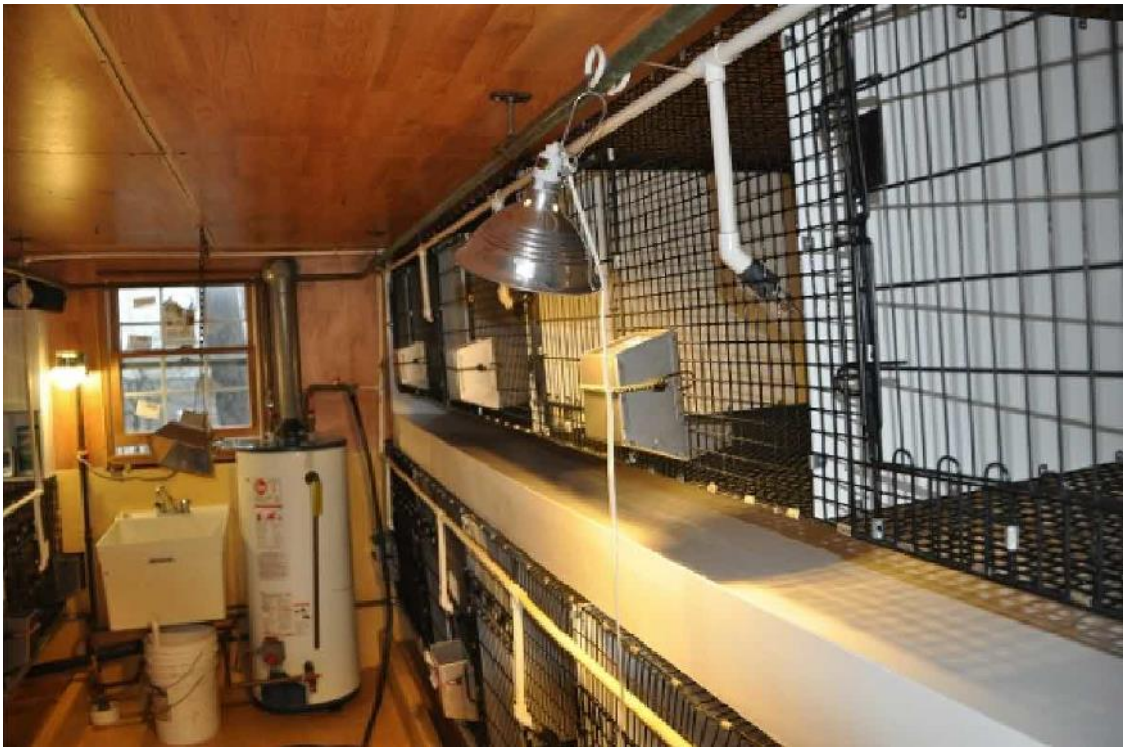
11/14/12

Wayne Miller

11/14/12

Ryan & Hannah Raber

12/10/12



Brenda Rauber

4/20/11

Harvey Miller

12/1/10

Roy Yoder

12/3/12

Jacob Yoder

10/23/12

Sandra Parson

7/1/10

Sandra & Tom Espey

6/22/11

Partee, Terrie & Harris, Robert & Sandra

7/7/11

Leroy Esh

11/19/12

Eli Yoder

4/17/13

“Gadient Kennels Gadient”: Marty & Keelee

8/24/10

Chad Wulf

7/23/14

Peggy Morris

8/24/11

David Chupp

11/7/11

Ronald Nickell Jr & Stephanie Nickell

6/3/13

Elsie Hatfield

4/27/11

Betty R. Bratcher

5/2/11

Earl Light

10/25/10

Charlene & Darlene Koster

6/28/11

James & Kathy Sanborn

3/15/11

Edna Hanegan

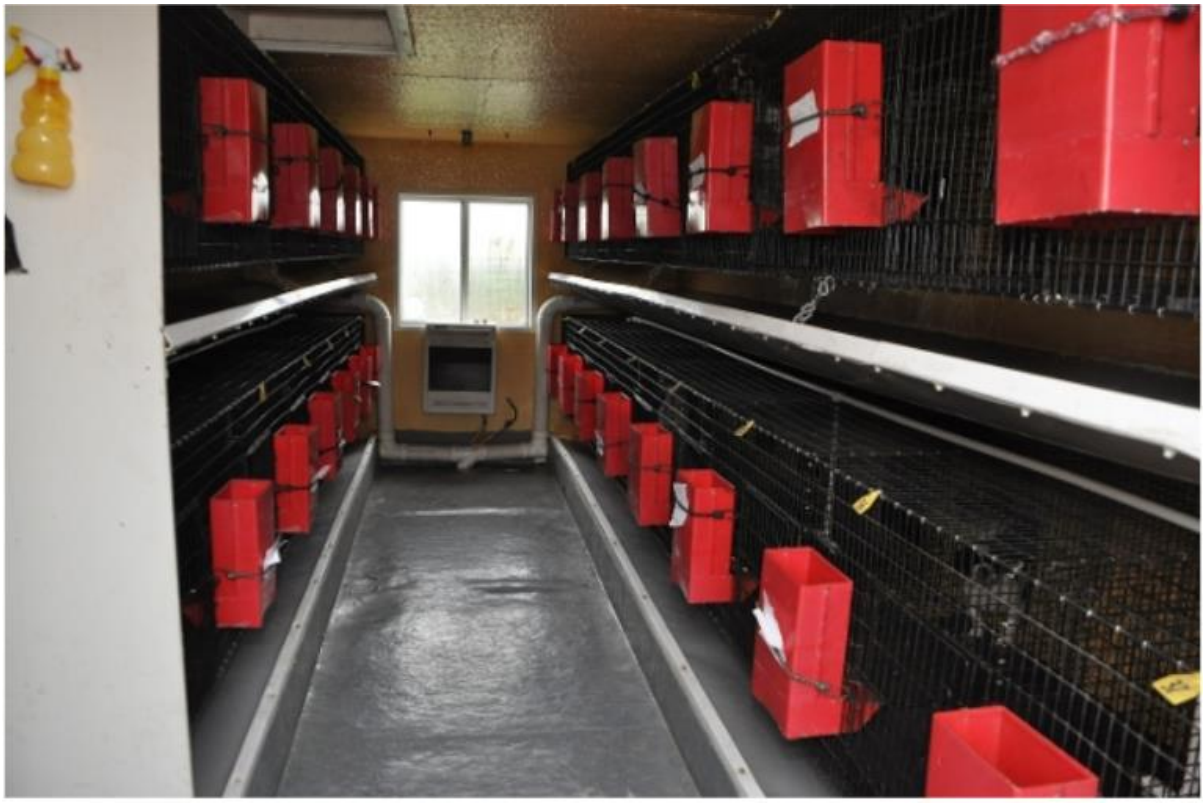
4/5/11

Edna Hanegan

4/5/11

David & Steven Miller

10/3/12



Charlene Jay

6/8/11

Loren Miller

12/17/12

Diana Cossairt

12/20/10

Exhibit D-4

Photographs from Inspections

Photographs of Dogs Found In Poor Condition[1]

USDA Licence # 48A1519

Adult female Chihuahua (microchip number 056 011 344) is thin in appearance. (September 24, 2012)

[1] These pictures were obtained by the Petitioners from USDA through FOIA requests.

Adult female Fox Terrier (microchip number 055 565 377) has an open wound on top of its neck. (September 24, 2012)

Emaciated cream- and fawn-colored Chihuahua with microchip number 056 011 344

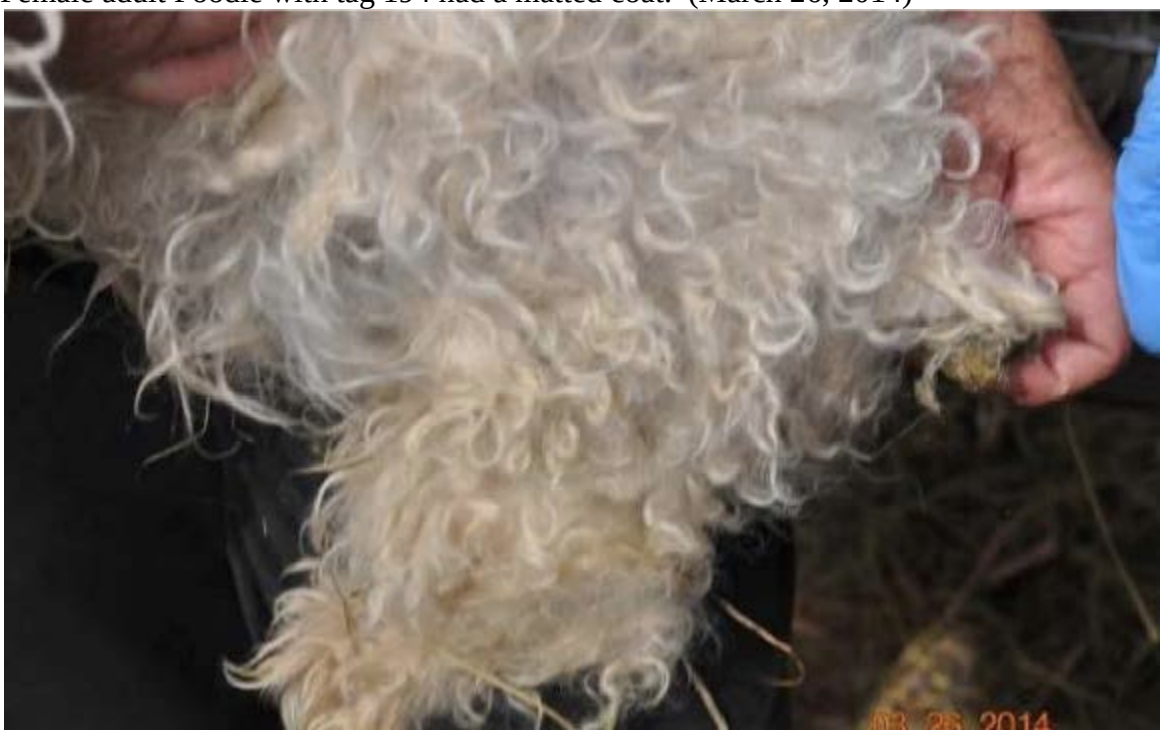
USDA Licence # 32A0462

Female Boxer with USDA tag #27 has increased discharge adhered to the hair around her right eye

USDA Licence # 47A0410

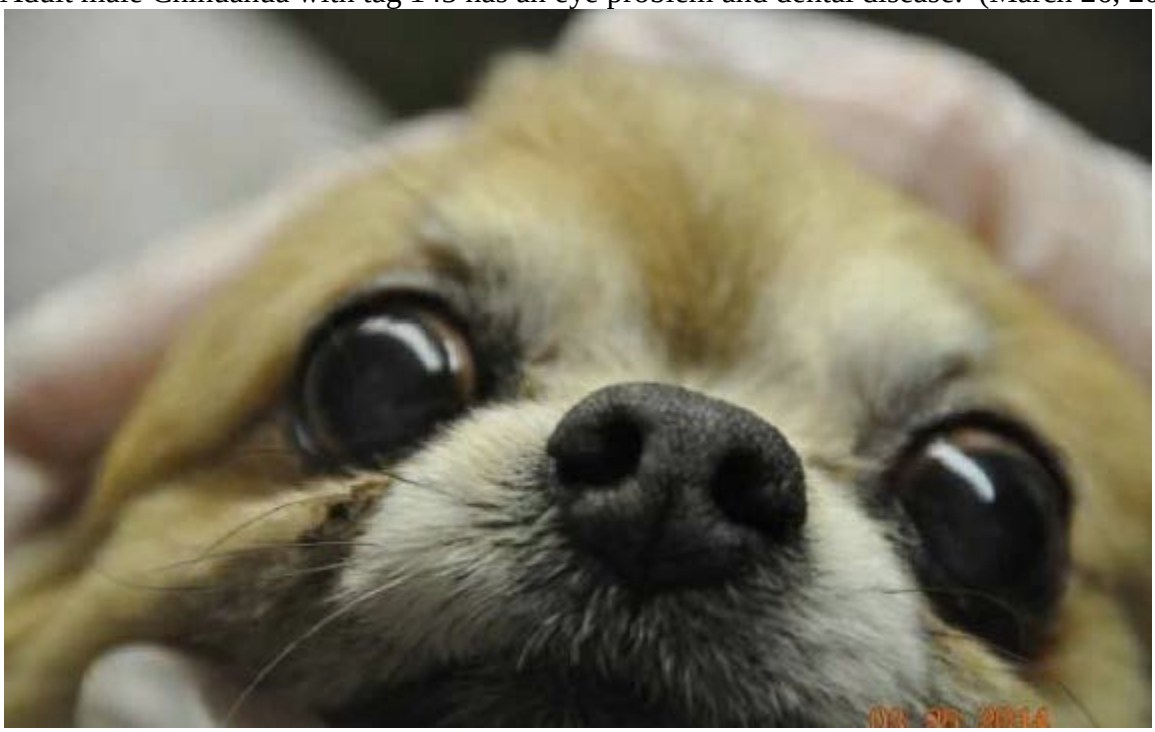
Adult female Bichon with no identification and no name (in enclosure behind house) has a matted hair coat and a swollen eyelid. (March 26, 2014)

Female adult Poodle with tag 194 had a matted coat. (March 26, 2014)



Adult female Miniature Pincher with no name and no identification has a swelling near her rear end and dental disease. (March 26, 2014)

Adult male Chihuahua with tag 145 has an eye problem and dental disease. (March 26, 2014)



Female adult Shih Tau with tag 327 with a matted coat. (March 26, 2014)

Yorkshire Terrier 148 still has dental disease.

Male Shih Tzu 224 with eye problem.

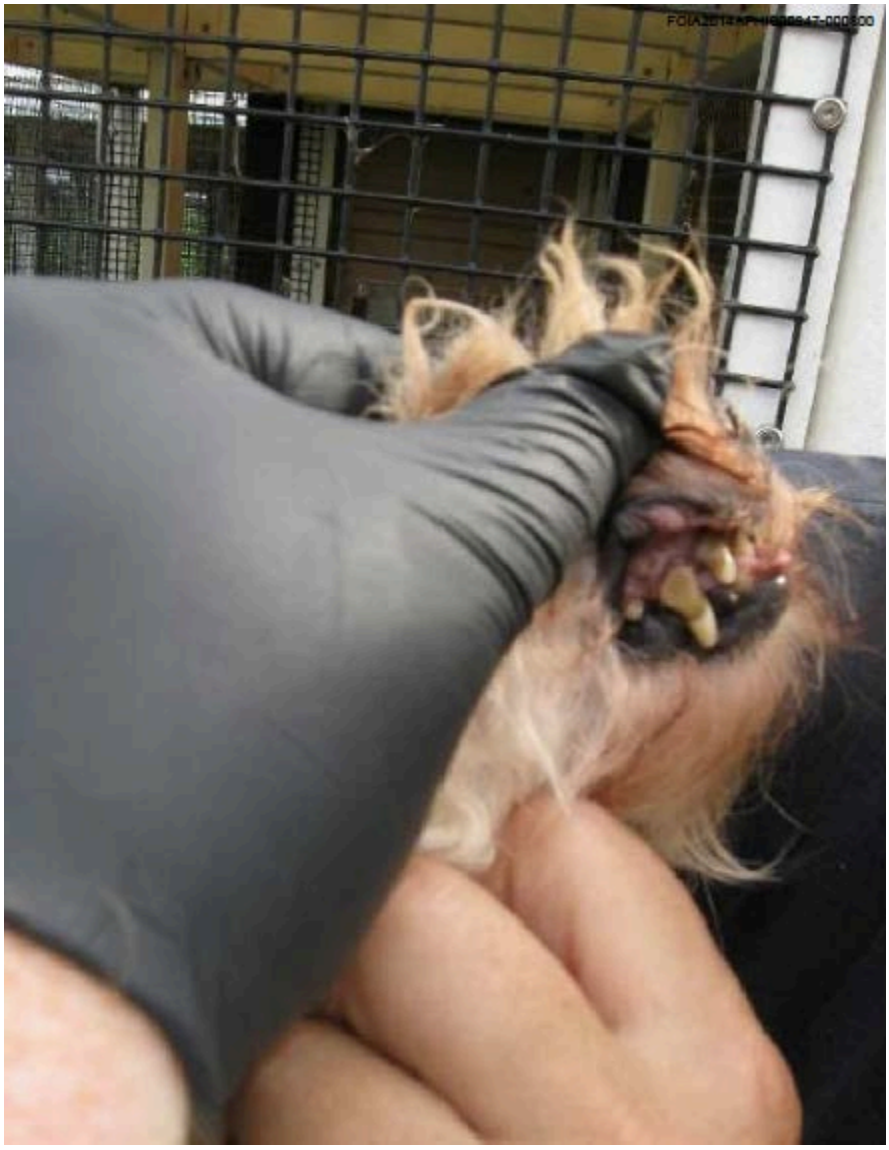
USDA Licence # 31A0482

Dental disease in seven year-old, female, Yorkshire Terrier with USDA tag number 15.

Thickened, leathery skin on the neck of the six year-old, female, Maltese dog with USDA tag number 31.

Left eye of the five year-old, female Shih Tzu with USDA tag number 039.

USDA Licence # 46A0394
A white female (ID#94) with buildup of brown material on cheek/canine tooth. left side. (September 4, 2013)



A female black Pug (ID# 197) with yellowish discharge coming from both eyes. (September 4, 2013)

A female (ID#91) "Goofy eyes", right eye, with reddish material intertwined around the eye ball. (September 4, 2013)

A male Pomeranian (ID#195) with buildup of brownish material with gray discharge on left side. (September 4, 2013)

USDA Licence # 71A0676
Adult female Pomeranian, #064619330, needs to be evaluated by he attending veterinarian. The animal has drainage from both eyes and green / gray matter on canines, gums and molars.
(March 6, 2014)

Pomeranian, #020610346, has green goopy matter in both eyes, green & black matter on all teeth and gums. The upper caine [sic] tooth on the right was bleeding. The animal needs to be evaluated.

In the northern most set of outdoor ground enclosures there is a Yorkshire Terrier, non-readable chip, who had a circular white area in the center of her eye. The animal needs to be evaluated.

Male Pomeranian, #051309259, excessively salivating, no teeth and the jaw bone on left partially missing and detached from the gums with the bone exposed. The animal needs to be evaluated.

USDA Licence # 43A5795

ID 463C1C3D2C Female Yorkshire Terrier-Heavy matting across topline, long facial hair with dangling matts from face and neck. (June 18, 2014)

ID 4C1A091FAC Female Yorkshire Terrier- Heavy, tight matts across topline. (June 18, 2014)

ID 101098773 Male Yorkshire Terrier - Heavy tight matting across topline with white flaky skin. Long facial hair with loose mats. (June 18, 2014)

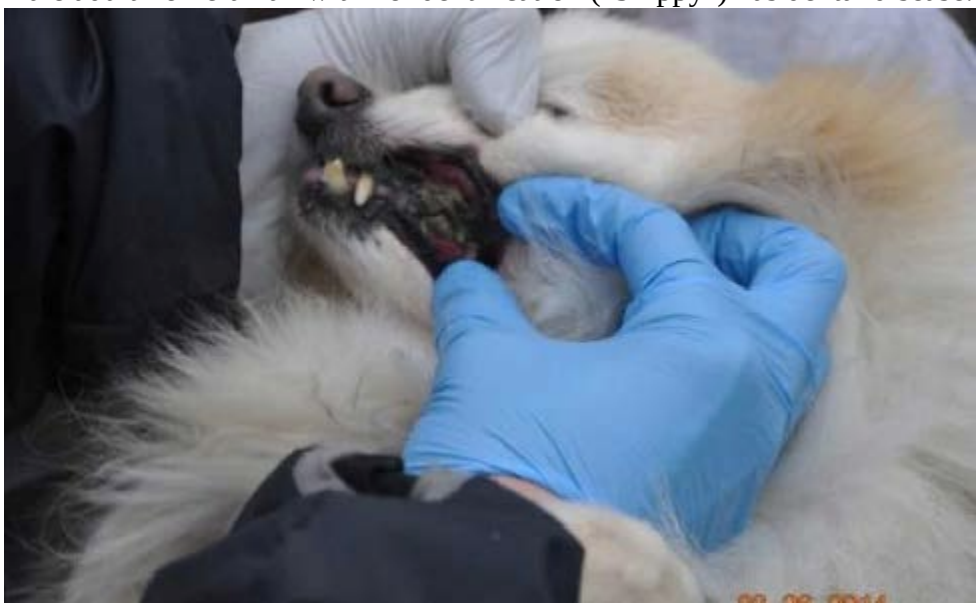
USDA Licence # 47A0410

Male adult Pomeranian with no identification ("Skippy") has dental disease.

Adult male Shih Tzu with tag number 224 has a matted coat. There are mats and discharge around the eyes and the mats on the face are dirty and moist.

Female tricolor Pomeranian with no identification ("Pixie") had dental disease and hair loss/bare skin.

Male adult Pomeranian with no identification ("Skippy") has dental disease.



Adult female Bichon with no identification ("Harriet") has dental disease and a matted hair coat.

Male adult Dachshund with no identification ("Herman") has dental disease and long toe nails.

USDA Licence # 57A0179

Dermatitis and scales on back of female Miniature Pincher with moist reddened and raw skin.

USDA Licence # 74A1475
Female Poodle, “Marti” tag number 117 with hair loss and rough, dry, flaky skin along back. (December 30, 2013)

Fluffy # 135, red skin, mats in hair, fleas and flea dirt (December 30, 2013)

Dog #153, "Pinky" with numerous fleas and matting seen on the abdomen.

Exhibit E

Excerpts from USDA Inspector Reports Regarding Swelling and Other Paw Injuries

Inspection Report

ABE YODER

Customer ID: **33515**
Certificate:
Site: 001
ABE YODER

Y L A KENNELS
2461 TR 176

BALTIC, OH 43804

Type: PRELICENSE INSPECTION #1
Date: Oct-11-2011

2.1 (a) (1)

REQUIREMENTS AND APPLICATION.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license.

During the inspection, inspectors asked the applicant about the location of puppies that had been observed by inspectors on a previous consultation visit. The applicant's wife stated that they "had sold them to the two normal brokers". Further questions revealed that even though they had known that their previous license had expired in April, they thought that they could still sell the puppies on their old license. The inspector that had visited with the applicant and his wife on the consultation visit, reminded them that she had counseled them specifically on this issue and had told them that no puppies could be sold to brokers without a valid USDA license.

Inspectors examined records that were provided by the applicant. From the records that were able to be viewed, inspectors found that from May 27, 2011 to August 5, 2011 at least 44 puppies, (numbers 11-085 to 11-139 on the photographed records), were listed with their physical descriptions and birthdates. At the time of this pre-license inspection, none of these puppies were available to be viewed or examined. The applicant's wife stated that she thought that she didn't need to keep disposition records of the puppies during the time that she was unlicensed.

One disposition sheet was found for 8 puppies (11-89 through 11-96) but no buyer was listed.

A USDA license is required to sell puppies to a broker. Dogs and puppies that are sold wholesale need to be able to be inspected, examined, and tracked to ensure their health, safety, and well-being.

NO WHOLESALE SALES OF DOGS OR PUPPIES ARE ALLOWED UNTIL A CURRENT USDA LICENSE IS ISSUED TO THE APPLICANT.

Applicant must not sell puppies to a broker without a current, valid USDA license.

Prepared By:	JEREMY STEELE		
	JEREMY T STEELE	USDA, APHIS, Animal Care	**Date:**
Title:	COMPLIANCE SPECIALIST	Inspector 6039	Oct-11-2011
Received By:	(b)(6),(b)(7)(c)		
Title:			**Date:** Oct-13-2011

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Sec. 2.40 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 Chihuahua (#140) was observed with what appeared to be a swollen area, compared to the opposite side, on the upper right side of her top jaw. Her upper lip on that side appeared "puffed out" as if she had something in between her cheek and gum. When this dog was examined, she was found to have a buildup of a brownish-green material on her teeth. Her gums were swollen, reddened, and her gum line had receded in several places.

***A female miniature Poodle (#42) was observed to be holding her tongue out between her front teeth. The dog was examined and was found to have a large amount of a brown substance on her right front canine tooth. There was a grey discharge at the gum line and the Poodle very sensitive to touch around her mouth.

***A female Pomeranian (#29) was observed to be holding her mouth open with the end of her tongue protruding from the front of her mouth. This female had a brown buildup of material on her front and canine teeth. She had a greyish colored discharge around the gum line of her canine teeth as well as a grey mass that appeared to cover several teeth on the rear teeth on the right side of her jaw. The gums were reddened throughout her mouth and a foul smell was noticed.

These three dogs are exhibiting signs that are consistent with the symptoms of dental disease. Dental disease can cause pain and lead to other health problems.

***A female miniature Poodle (#59) was observed holding her head at an odd angle and repeatedly licking her lips while nursing her litter of puppies. This female also had an abnormal amount of a dark, crusted substance on the right side of her face, ears, and under her eyes. The inspectors asked the applicant to pick up the dog so the condition of her teeth could be examined. When the dog's lip was raised, to enable a better view of her teeth, it was noticed that the dog's lower jaw moved freely with minimal pressure. When asked about the jaw, the applicant stated that the veterinarian had told them that the jaw was broken but didn't "really say anything about it".

***A female chihuahua (no ID tag), in the main building on the top row on the right side, second enclosure in, was observed to be limping on her right front leg. A swollen, reddened sore spot was found on the webbing between her toes.

***A female Chihuahua (#141) was observed to be walking with an exaggerated gait. She appeared

Prepared By:	JEREMY STEELE		
	JEREMY T STEELE	USDA, APHIS, Animal Care	**Date:**
Title:	COMPLIANCE SPECIALIST	Inspector 6039	Oct-11-2011
Received By:	(b)(6),(b)(7)(c)		
Title:			**Date:** Oct-13-2011

Inspection Report

extremely bowlegged but seemed to be excessively so on her right front leg. Her right front leg, near the shoulder, had several small puncture wounds. A gentle moving of her leg showed a stiffness and a limited range of motion.

These three dogs are showing abnormalities from a normal, healthy dog. If left untreated, these symptoms could develop into more significant problems and compromise the health of the dogs.

All six of these dogs must be seen by a licensed veterinarian so that a diagnosis can be made, for each dog, regarding the identified issues. A treatment plan for each one of these dogs must be obtained from a licensed veterinarian, and this treatment plan must be followed and documented by the applicant. The diagnosis, treatment plan, and documented treatment procedures must be made available for review by APHIS officials at their request...
AND
A dental treatment plan for the entire kennel must be developed with the attending veterinarian. This dental treatment plan should include a system for identifying problems, treatment recommendations for the affected animals, a plan for having affected animals treated, and preventative methods to be utilized by the applicant at the direction of the attending veterinarian. This must be completed before the next pre-license inspection.

2.40 (b) (3)

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:
(3) 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; 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;

***A female Chihuahua (#140) was observed with what appeared to be a swollen area, compared to the opposite side, on the upper right side of her top jaw. Her upper lip on that side appeared "puffed out" as if she had something in between her cheek and gum. When this dog was examined, she was found to have a buildup of a brownish-green material on her teeth. Her gums were swollen, reddened, and her gum line had receded in several places.

***A female miniature Poodle (#42) was observed to be holding her tongue out between her front teeth. The dog was examined and was found to have a large amount of a brown substance on her right front canine tooth. There was a grey discharge at the gum line and the Poodle very sensitive to touch around her mouth.

Prepared By:	[redacted] JEREMY STEELE		
	JEREMY T STEELE	USDA, APHIS, Animal Care	**Date:**
Title:	COMPLIANCE SPECIALIST	Inspector 6039	Oct-11-2011
Received By:	[redacted] (b)(6),(b)(7)(c)		
Title:			**Date:** Oct-13-2011

Inspection Report

***A female Pomeranian (#29) was observed to be holding her mouth open with the end of her tongue protruding from the front of her mouth. This female had a brown buildup of material on her front and canine teeth. She had a greyish colored discharge around the gum line of her canine teeth as well as a grey mass that appeared to cover several teeth on the rear teeth on the right side of her jaw. The gums were reddened throughout her mouth and a foul smell was noticed.

***A female chihuahua (no ID tag), in the main building on the top row on the right side, second enclosure in, was observed to be limping on her right front leg. A swollen, reddened sore spot was found on the webbing between her toes.

***A female Chihuahua (#141) was observed to be walking with an exaggerated gait. She appeared extremely bowlegged but seemed to be excessively so on her right front leg. Her right front leg, near the shoulder, had several small puncture wounds. A gentle moving of her leg showed a stiffness and a limited range of motion.

The health issues with these dogs were not noticed or documented by the applicant prior to the inspection. For the safety and health of the dogs, a daily observation of the dogs needs to be conducted and any problems need to be communicated to the attending veterinarian.

Applicant must develop a system of observing problems or illness, documenting them for follow up, and communicating with the attending veterinarian frequently.

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...

***There were two sheltered housing facilities with outdoor runs behind the barn. The wire panels that were utilized as walls in the enclosures were covered with rust.

***The hinges and doggie door areas and the bungee hooks holding the feeders in place had excessive rusted areas.

Surfaces with rust cannot be properly cleaned and sanitized which can effect the health, comfort and well

Prepared By:	JEREMY STEELE		
	JEREMY T STEELE	USDA, APHIS, Animal Care	**Date:**
Title:	COMPLIANCE SPECIALIST	Inspector 6039	Oct-11-2011
Received By:	(b)(6),(b)(7)(c)		
Title:			**Date:** Oct-13-2011

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

CATHY GRIESBAUER,MARY FOSTER

Customer ID: **4625**
Certificate: **43-A-1843**
Site: 001
CATHY GRIESBAUER, MARY FOSTER

COUNTRY PETS
88 DAVIS RD

MONTGOMERY CITY, MO 63361

Type: ROUTINE INSPECTION
Date: 04 December 2013

2.40 (b)(2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

***There was a female Siberian Husky (#086*378*592) with lesions noted on the left side of the upper lip, below the left eye and on both sides of the lower portion of the muzzle. On closer observation, the left side of the upper lip had an approximately 1 inch linear laceration-like lesion that appeared to be full thickness through the lip. Some of the surrounding fur in this region was wet with a whitish-yellow discharge. Near this lesion on the upper lip was another linear lesion with hair loss which was approximately 1 inch in length. Also, below the left eye was a linear region of hair loss. On the front lower right lip, there was an approximately 1/2 cm diameter region of pinkish red discharge. On the front lower left muzzle area there was also a section of hair loss. According to the licensee, this dog was in a fight on Saturday with the other Siberian Husky that shared the same enclosure. These lesions could be the result of the dog fight and may be infected or painful. This dog had not been examined by a veterinarian for its condition nor was the dog under any type of treatment at the time of inspection. The licensee must have this animal examined by a veterinarian by 7 December 2013 in order to obtain an accurate diagnosis and ensure that an appropriate treatment plan is developed and followed.

***There was a female Poodle (#033*834*317) that had a dental condition. Upon closer observation of the right side of the mouth, the teeth had a heavy build-up of yellowish brown to greenish grey material on the teeth. This abnormal build-up of material covered the majority of the teeth and extended into the gumline. The gums appeared reddened and had receded along some of these teeth. Upon closer observation of the left side of the mouth, a red blood-like material was observed mostly on and surrounding an upper cheek tooth. The tooth appeared to have a linear-like lesion on the front portion of the tooth which appeared to extend into the gumline. The dog flinched while attempting to look in the left side of the mouth so repeated attempts were not made. The abnormal build-up of material on the teeth can cause damage to the gum tissue and tooth structures. The blood-like discharge could indicate an injury, dental condition or other veterinary medical condition. These conditions could be painful, may decrease the dog's ability to eat normally and negatively impact the overall health of the animal. The licensee must have this animal's mouth and teeth examined by a licensed veterinarian no later than 7 December 2013 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.

Prepared By: ERIKA LEISNER, D.V.M.
ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6037
Date: 05 December 2013

Received By: (b)(6),(b)(7)(c)
Title:
Date: 05 December 2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

***There was a male Dachshund (#043*002*598) observed holding the left rear leg up and bearing little to no weight on the left rear leg. According to the licensee, she first noticed this dog's condition yesterday but a veterinarian had not been contacted regarding the dog's condition. This dog's lameness could be due to an injury or other veterinary medical condition which could be painful.

***There was a male Maltese (#016*830*359) with a raised lesion between the toes on the left front paw. The fur surrounding the lesion appeared wet with a red blood-like material. The lesion was blue to grey to purple and approximately 1/2 inch in diameter. The lesion between the toes could be the result of an injury, infection, illness or other veterinary medical condition which may cause discomfort.

The licensee must consult with a veterinarian regarding the conditions of the male Dachshund (#043*002*598) and male Maltese (#016*830*359) by 7 December 2013 in order to obtain accurate diagnoses and to ensure that appropriate treatment plans are developed and followed.

***There was a black female Poodle (0A01616971) with generalized matting of the fur. Several various sized matts were especially noted on all four paws and legs. Matting can be uncomfortable and can increase the risk of skin sores. 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.

*Note: The Shih Tzu (#0A0-125-2706), Bichon Frise (#094-357-256), Weimaraner (#097-297-063) and Basset Hound (#0A0-125-2464) included on the report under section 2.40 (b)(2) for the inspection conducted on 9 August 2012 were examined by a veterinarian on 13 August 2012.

3.1 (a)

HOUSING FACILITIES, GENERAL.

(a) Structure; construction.
The outdoor portion of the facility had several igloo style dog shelters that were in disrepair. At least 7 igloo style shelters had chewed entrances with roughened and/or sharpened edges; dog hair was observed on some of these roughened edges. There were at least 6 igloo style shelters that had holes which were approximately 2 inches in diameter on their tops. Also, at least one igloo style shelter had a crack down the side of it and a gap was present. The rough surfaces of the chewed edges increase the risk of injury to the dogs and also decrease the ability of the surface to be properly cleaned and sanitized. The igloos with holes or cracks do not completely protect the dogs from the elements. The licensee must ensure, at all times, that all animal housing facilities are kept in good repair and that they protect the animals from injury. TO BE CORRECTED BY: December 12, 2013.

3.1 (c)(3)

HOUSING FACILITIES, GENERAL.

(c) Surfaces (3) Cleaning.
***The Dachshund sheltered building and Mary's whelping building had several surfaces that had a build up of dirt and grime. Within the Dachshund building, at least 7 exterior walls had a brownish dirt and grime on them

Prepared By:	ERIKA LEISNER, D.V.M.	
	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care	**Date:**
Title:	VETERINARY MEDICAL OFFICER Inspector 6037	05 December 2013
Received By:	(b)(6),(b)(7)(c)	
Title:		**Date:** 05 December 2013

affecting approximately 14 dogs. Inside Mary's whelping building, at least two whelping enclosures, affecting 10 puppies and 2 adult dogs, had a brownish dirt and grime smeared on the floors and half way up the walls. The exterior enclosures of the Mary's whelping building had clumps of hair on the tops of at least 5 enclosures, hanging down into the enclosures. Buildings and surfaces which are not cleaned and sanitized properly or often enough increase the risk of disease hazards to 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. TO BE CORRECTED BY: December 12, 2013.

3.4 (c)

OUTDOOR HOUSING FACILITIES.

(c) Construction.
***There were outdoor enclosures at the facility which contained a total of approximately 55 dogs with concrete flooring that contained cracks and appeared to be absorbing moisture and was wet. At least three enclosures contained various sized cracks in the concrete and brownish, murky-like water was observed standing in portions of the wider cracks. According to the licensee, the concrete was last sealed in August and the enclosures had last been cleaned the evening before the day of inspection; however, the concrete was very wet at the time of inspection and most of the dogs in these enclosures were observed with varying degrees of wet and discolored hair coats. Surfaces in contact with the animals which are not impervious to moisture or are not maintained increase the risk of disease hazards to the animals. The licensee must ensure that the cracks in these enclosures are repaired or replaced and that all building surfaces in contact with the animals in the outdoor housing facilities are impervious to moisture and are maintained on a regular basis. TO BE CORRECTED BY: March 31, 2014.

3.6 (a)(2)(v)

PRIMARY ENCLOSURES.

(a) General requirements
***The outdoor portion of the facility with concrete flooring in the enclosures contained a total of approximately 55 dogs most of which were observed with varying degrees of wet and discolored hair coats, especially on the dogs' paws, legs, chest & abdominal areas. The majority of the entire floor in these enclosures was wet and contained various amounts of fecal material. According to the licensee, the enclosures were last cleaned the evening before the day of inspection. When the dogs' hair coats become wet and dirty it can decrease the comfort and well-being of the animals as well as increase the risk of skin lesions and other disease hazards. The licensee must ensure that all primary enclosures are constructed and maintained so that all the dogs remain clean and dry. TO BE CORRECTED BY: December 7, 2013.

3.6 (c)(1)(i)

PRIMARY ENCLOSURES.

(c) Additional requirements for dogs--(1) Space.
***Within one of the whelping buildings (Mary's Building), there were four weaned Dachshund puppies which

were approximately 7 weeks old housed together in a primary enclosure which did not have the required amount of minimum floor space. Each pup, at 10 inches in length, requires 1.78 square feet of floor space. All four pups together in one enclosure require 7.11 square feet of floor space. The indoor enclosure measured 30x24 inches, providing a total of 5.0 square feet of floor space. This does not account for the floor space taken up by the 6 inch diameter feeder or the 5 inch diameter water receptacle. These pups require no less than 7.11 usable square feet in order to ensure their comfort, health, and well being. The licensee must ensure that all animals in all enclosures have access to at least the minimum floor space required by this section. TO BE CORRECTED BY: December 5, 2013.

3.11 (a)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(a) Cleaning of primary enclosures.
***There were at least five outdoor hutch style enclosures with a large build up of fecal material under them. The flooring of the hutch style enclosures was approximately 2 feet above the ground and a pile of feces at least 12 inches deep was observed under one of these enclosures. One of the sheltered buildings and Jerri's whelping building also had an excessive amount of fecal build up under the outside portions of the enclosures. The licensee stated that she cleans the fecal material from under the enclosures every two weeks. The accumulation of waste can increase the risk of health hazards, attract insects and pests, and produce odors. The licensee must ensure that the ground areas under raised enclosures are cleaned as often as necessary to prevent an accumulation of waste. TO BE CORRECTED BY: December 7, 2013.

The inspection was conducted with the licensee. The exit interview was conducted on December 5, 2013 with the licensee.

Prepared By:	ERIKA LEISNER, D.V.M.	
	ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care	**Date:**
Title:	VETERINARY MEDICAL OFFICER Inspector 6037	05 December 2013
Received By:	(b)(6),(b)(7)(c)	
Title:		**Date:** 05 December 2013

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

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Inspection Report

Jason Riggs
26545 416th Avenue
Ethan, SD 57334

Customer ID: **325010**
Certificate: **46-A-0404**
Site: 001
Jason Riggs

Type: ROUTINE INSPECTION
Date: Jan-29-2014

2.40 (b) (2) **REPEAT DIRECT NCI**

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

The following dogs were found to require veterinary care

A female dachshund with no ID located in pen number 100 has a firm, thick material encasing nearly the entire surface of the upper and lower canine teeth. A milky grey/tan substance is present along the gum line of several of the cheek teeth. The gums are severely swollen and red, exhibit slight bleeding and are starting to pull away from the teeth surfaces.

A male cocker spaniel named "Tommy Boy"(no microchip) has a blueberry size enlargement on the dorsal aspect of the left forepaw located at the base of the inter-digital space between the second and third toe. It is void of hair, has a pink/red appearance and is quite firm in texture.

A female French bulldog named "Scarlet"(no microchip) has a severely overgrown toenail on the first digit of the left forepaw and slightly overgrown nails on all other toes. She appears to be somewhat reluctant to move about her enclosure.

A male French bulldog named "Chase"(no microchip) has one area on the anterior lateral aspect of both forefeet that exhibit somewhat thickened skin, are void of hair and slightly darkened in color.

A female dachshund (ID # 465C2111153E) appears quite thin with generalized lack of body condition and ribs that are very evident upon visual observation.

A female miniature pinscher (ID # OAO2215678) is exhibiting poor body condition with ribs and some other skeletal structures that are visually apparent.

A female, black & tan miniature pinscher (ID# 072 041597) had an open wound on the left front leg. The wound appeared to be healing. When addressed with the licensee they stated the dog had not been seen by the attending veterinarian but they had been applying hydrocortisone to the wound.

The licensee must have these animals examined by a veterinarian to obtain an accurate diagnosis and appropriate treatment plan. The outcome of this consultation must be documented in writing and

Prepared By: [redacted] DEE HEEZEN, V.M.O
DEE HEEZEN, V.M.O USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6076
Date: Feb-11-2014

Received By: [redacted] (b)(6),(b)(7)(c)
Title:
Date: Feb-12-2014

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

provided to the inspector upon request. The licensee must ensure that all animals receive adequate veterinary care at all times.

2.50 (a) (1)

TIME AND METHOD OF IDENTIFICATION.

There are at least four dogs at the facility that do not have official identification. Official identification is needed to ensure that each animal s identity can be known with certainty and to facilitate the inspection process. The licensee must ensure that all dogs are officially identified by collar, tattoo or microchip. To be corrected by February 28, 2014

2.75 (a) (1)

RECORDS: DEALERS AND EXHIBITORS.

The record of dogs on hand form is not complete. This form does not include the name, address, USDA license number (or driver s license number and vehicle license number) for the people who the animals were acquired from. The dog identification number was also missing from several dogs. This form listed 84 dogs, yet 105 dogs were counted in the kennel. Complete and accurate records are essential to ensure each animal s identity can be known with certainty, to keep track of veterinary treatment, and to facilitate the ability to trace the source of the dogs. The licensee must maintain complete and accurate records of all dogs at all times at their facility. Correct by 28 February 2014.

3.6 (a) (2) (x)

PRIMARY ENCLOSURES.

There is a litter of miniature pincher puppies housed on 1 X1 flooring. The feet and legs of these puppies were observed to be falling through these openings. Floor openings too large for the animals feet may cause injury to the animals. The openings of slatted flooring must be small enough that they do not allow the passage of the feet or legs of the dogs.
The kennel representative placed a solid whelping box in this enclosure during the inspection.

Exit interview was conducted with the licensee

Prepared By: [redacted] DEE HEEZEN, V.M.O
DEE HEEZEN, V.M.O USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6076
Date: Feb-11-2014

Received By: [redacted] (b)(6),(b)(7)(c)
Title:
Date: Feb-12-2014

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USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

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Inspection Report

Johnny Dake
J & M Kennels
21448 Hwy 135
Stover, MO 65078

Customer ID: **30594**
Certificate: **43-A-4494**
Site: 001
JOHNNY DAKE

Type: ROUTINE INSPECTION
Date: Jan-07-2014

2.40 (b) (2) **REPEAT**

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

***A 10 year old, female Shih Tzu (087*379*530) was seen frequently licking and rubbing her face along the side of the enclosure. On closer observation, most of the teeth had a heavy build-up of yellowish brown material on their surface which extended up to the gumline. The gums were swollen and reddened especially along some of the upper cheek teeth. Also, there was a whitish grey creamy looking material at the gumline of the upper left cheek teeth. The abnormal build-up of material on the teeth can cause damage to the gum tissue and tooth structures. These conditions could be painful, may decrease the dog's ability to eat normally and negatively impact the overall health of the animal. The licensee agreed to have this animal's mouth and teeth examined by a licensed veterinarian no later than 11 January 2014 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.

***A female Shih Tzu (#4632364346) was seen occasionally favoring and licking at the left front paw. On closer observation there was a raised lesion noted between the toes on the left front paw. A yellowish white discharge and a red blood-like material appeared to be coming from the lesion and was in the surrounding fur which was slightly matted. The lesion was approximately 3/4 inch by 1/8 inch and a large portion appeared pinkish red, moist and flesh-like. According to the licensee, he was not aware of the lesion until the inspector pointed it out. The lesion between the toes could be the result of an injury, infection, illness or other veterinary medical condition which may cause discomfort. The licensee agreed to consult with a licensed veterinarian regarding this animal's condition by 11 January 2014 in order to obtain an accurate diagnosis and to ensure that an appropriate treatment plan is developed and followed.

***There was an approximately 6 month old, white, male Shih Tzu (#JD13096) that had long hair with large sections of matted fur generally located over the dog's body. Some of the largest matts were observed around the eyes, ears, feet and legs. The matts in the fur surrounding the eyes were so large that the eyes were difficult to see. Also, fecal material was matted in the hair coat beneath the tail. Matting can be uncomfortable and can increase the risk of skin sores. 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.

Prepared By: [redacted] ERIKA LEISNER, D.V.M.
ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6037
Date: Jan-09-2014

Received By: [redacted] (b)(6),(b)(7)(c)
Title:
Date: Jan-09-2014

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

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*Note - The female Boston Terrier (#4A13442068) which had been previously included on the report for the inspection conducted on 11 Apr 12 under 2.40 (b)(2) had been addressed.

2.40 (b) (3)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

***There was an approximately 4 week old male Shih Tzu puppy found dead in the outdoor portion of an enclosure for the sheltered building. The licensee removed the puppy which was in a statue-like state and imprints from the wire flooring were observed across its ventral belly and chest region. Just prior to the outdoor inspection of the sheltered facility, the indoor portion of the facility had been inspected; the licensee had been asked by an inspector at that time if there was a missing puppy in the enclosure because only four were counted but the cage card said there were five puppies. The licensee responded no and mentioned that one of the puppies had died. The licensee then crossed off one of the puppies listed on the cage card. Then, while subsequently inspecting the outdoor portion of the sheltered facility, the puppy was found dead in its enlcosure and was removed by the licensee at that time. The licensee then referred to the puppy as the missing puppy. While walking outside to inspect one side of the outdoor portions of the enclosures, no footprints were observed in the snow which was at least 3 inches deep. According to the licensee, the outdoor portions of the enclosures had last been cleaned on Saturday evening. According to the National Weather Service, there was snowfall in the area on Sunday, 5 Jan 14, and the air temperatures in the region for the past 2 days were: 6 Jan 14 high of 2 degrees Fahrenheit (F) and low of -9 degrees F; 7 Jan 14 by the time of inspection high of 35 degrees F and low -1 degrees F. The licensee stated that he thought the mom had carried the puppy outside and that the puppy would have been unable to open the (access) door itself. Daily observation of the animals is important in order to ensure the health and well-being of the animals. The licensee must ensure that all animals are observed on a daily basis and that all puppies are accounted for in order to assess their health and well-being. TO BE CORRECTED BY: Immediately and from this point forward.

The inspection was conducted with the licensee. An exit interview was conducted in person with the licensee on January 7, 2014 during which all correction dates were discussed and acknowledged to be understood by the licensee.

Prepared By: [redacted] ERIKA LEISNER, D.V.M.
ERIKA L LEISNER, D.V.M. USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6037
Date: Jan-09-2014

Received By: [redacted] (b)(6),(b)(7)(c)
Title:
Date: Jan-09-2014

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

HAZEL COLEMAN
DOG-N-ASS FARM
30550 PERSHING LANE
LEBANON, MO 65536

Customer ID: **6449**
Certificate: **43-A-2640**
Site: 001
HAZEL COLEMAN

Type: ROUTINE INSPECTION
Date: Apr-03-2013

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Sec. 2.40 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.

***In the outdoor facility, there was one adult Wheaten Terrier identified as #097324078 that had no weight bearing on the back left leg. The licensee stated that there was a wound on the pad and that Vaseline was being applied to the affected area. This animal had not been seen by a licensed veterinarian. Limited or no weight bearing is an indication of pain and can worsen if left unattended or given inappropriate treatment. The licensee must have this animal seen by a licensed veterinarian for proper diagnosis and appropriate treatment plan.
Corrected prior to exit conference.

***The medications were stored in all different areas of the facility. The licensee stated that some of the medications are used for large animals on the property. Medications for regulated animals that are stored with other medications can increase the chance of medication error. The licensee must store the medications for the regulated animals in a manner that is readily accessible. As a part of the facility's program of veterinary care, the licensee must assure that all of the animals receive adequate veterinary care at all times.
To be corrected by April 17, 2013.

2.75 (a) (1)

RECORDS: DEALERS AND EXHIBITORS.

Sec. 2.75 Records: Dealers and exhibitors.
(a)(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold,

Prepared By: BEVERLY HICKS, A.C.I.
BEVERLY HICKS, A.C.I. USDA, APHIS, Animal Care **Date:**
Title: ANIMAL CARE INSPECTOR Inspector 5051 Apr-04-2013

Received By: (b)(6),(b)(7)(c)
Title: **Date:** Apr-04-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

PAUL HAAG
SHEILA HAAG

VALLEY VIEW KENNEL
57649 MN HIGHWAY 55

EDEN VALLEY, MN 55329

Customer ID: **2830**
Certificate: **41-A-0281**
Site: 001
PAUL AND SHEILA HAAG

Type: ROUTINE INSPECTION
Date: Feb-14-2012

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

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;

Four dogs in the facility had a growth in between the digits of the front paws. Three of the growths on three animals had ruptured and were open and were excreting fluid. The growth on the fourth animal was lanced by the licensee. The symptoms were not noticed by the licensee before this time.

A white and grey shi-zu was noted as having a grey, hazy film covering the left eye. There was also a brown crust around the outside of the eye.

Without appropriate methods to prevent or control medical issues that may arise in the animals, minor medical conditions can become severe and further affect the animals negatively.

Methods set forth in the program of veterinary care plan including proper daily observation and annotation of any issues that may arise that require further attention must be put into place from this point on.

2.40 (b) (3)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

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; 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.

Four dogs in the main housing building were noted to have a swollen pink growth in the front paw. Three of these growths were ruptured causing them to be open and wet. The growth that was not ruptured was lanced by the licensee. The licensee claimed not to have noticed these beforehand.

Prepared By: [redacted] BRENTON COX, A C I

BRENTON COX, A C I — USDA, APHIS, Animal Care — **Date:**

Title: ANIMAL CARE INSPECTOR — Inspector 6021 — Feb-15-2012

Received By: [redacted] (b)(6),(b)(7)(c)

Title: — **Date:** Feb-16-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

A white and grey shi-zu was noted as having a grey, hazy film covering the left eye. There was also a brown crust around the outside of the eye.

Daily observation is essential in order to diagnose and treat health problems that might arise in animals. Without proper daily observation, issues cannot be properly annotated or treated which is not good a husbandry practice.

Proper and complete daily observation must be put in place from this point on.

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.

The main kennel building utilizes open box type enclosures to house the animals. The majority of the walls in these enclosures are thirty inches tall and are constructed of a hard plastic type of material. During the inspection, multiple dogs were seen with their front legs hanging over the front and side walls of the enclosures. Several dogs were observed standing on their feeders and leaning over the edges of their enclosures. A Beagle, microchip # 151 340 373A, was observed attempting to jump over the side wall into an adjacent enclosure. This dog fell onto his back twice before finally succeeding in jumping from enclosure #6 into enclosure #5. The licensee stated that when dogs are found to be able to get over the sides of the enclosures, they would move the dogs into different enclosures. The licensee's son moved the Beagle into an enclosure with taller sides.

The repeated attempts of the dog to jump over the wall could potentially cause injury to the animal. The design of and location of the feeders and the short walls exposes the animals to potential harm from jumping out of the enclosures. The short walls do not contain all the animals securely.

The licensee must provide enclosures that contain the animals securely and help prevent them from injury no later than 23 Feb 2012

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 licensee utilizes a "cattle panel" type heavy gauge wire panel as support beneath the flooring of the primary enclosures in the main building. These wire panels have excessive rust in many places. Although

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Animal and Plant Health Inspection Service

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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: Aug-02-2011

EDINA, MO 63537

2.40 (b) (2) **REPEAT DIRECT NCI**

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 Shih Tzu (# 072 797 549) who was limping and non-weight-bearing on his front right paw. That paw had an area of complete hair loss approximately 1.5 inches in diameter which was extremely swollen. It had mixed regions of pale white, irritated pinkish-red, and blackish-blue colors. When the area was palpated, the dog seemed very sensitive to the touch and quickly withdrew his paw which may indicate the paw is painful. This dog needs to be examined by a licensed veterinarian within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document this information and make it available to the Inspector upon request.

There was a female, blue roan Cocker Spaniel (with no ID) that had a very thin, poor haircoat with scabs that could be seen on her skin under the thinned parts of her coat. Her body was also very thin. She had a tucked abdomen, an exaggerated "waist" when viewed from above. Her spine, hips, ribs, and long bones were prominent and could be easily visualized and felt. The owner stated she was crazy and paced continuously. She acted normal when the inspectors approached, but when she was viewed from a distance when the inspectors were out of site, she paced circles in her enclosure non-stop for at least 20 minutes straight in the 101 F heat. A very thin dog with a poor hair coat and abnormal behavior could have several different medical conditions, including a variety of veterinary medical problems which could be painful. This dog must be examined within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document this information and make it available to the inspector upon request.

The following animals were showing signs of veterinary medical problems:
a., There was a female Shih Tzu (#091) who was unable to open its left eye. The eye was matted shut with a yellow crusty discharge.
b., There was a tan, female Shih Tzu (#073 035 528) was unable to open her left eye. The eye was matted shut with a yellow-brown discharge. This dog also had reddened skin and small (approx 1 cm) scabs

Prepared By:

	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Aug-03-2011

Received By: (b)(6),(b)(7)(c) **Date:**

Title: Aug-04-2011

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

throughout most of her neck, back and the sides of her chest.
c. There was a black, female Cocker Spaniel (# 139) with green-yellow discharge completely covering the top and bottom eyelids of both eyes.
d. There was a male Cocker Spaniel (#138) with yellow discharge in and around his right eye which appeared to be bulging out slightly when compared to the other eye. The dog was also squinting that eye, which may indicate the eye is painful.
e. There was a female Shih Tzu (# 059) who was squinting his left eye which was dull in appearance. The hair around the eye was wet with excessive, clear discharge around it. The lower eyelid moderately swollen.
f. There was a black and white Shih Tzu (#035) whose left eyeball could not be visualized. The surface of the eye was covered with white colored discharge.

The licensee stated he was treating some of the above listed dogs with Terramycin ointment per his veterinarian's instructions. The licensee had written instructions from the veterinarian for some of these dogs, however the instructions were from April 2011. The only bottle of Terramycin at the facility expired in August 2009. Expired drugs may not work as anticipated, could become contaminated, and could harm the animals. Eye discharge can occur due to infection, allergies, injury, irritation or other medical conditions that could be painful. All of these dogs must be examined by a licensed veterinarian within 48 hours in order to ensure that an accurate diagnosis is obtained and an appropriate treatment plan is developed and followed. The licensee must document the outcome of these examination and make them available to the inspectors upon request.

There was a black Schnauzer puppy (with no ID, DOB 6-2-2011) who had recently had his ears cropped. The licensee stated that he cropped the ears himself in the Whelping Building when the dog was 3 weeks old. He said he gives the puppies a shot to put them down . He stated it was the same stuff the vet uses . He stated he used Rompun at a dose of 0.1cc/pound but no pain-relieving drugs. He stated he waited 10 minutes after injection before performing the surgery. He stated if bleeding occurred, he used blood stop sticks. The licensee showed the inspectors the table and equipment he used to conduct the surgery. The table was a wooden counter in a room containing a variety of items such as dog food, trash bins, a refrigerator, and medications. The walls, floors and ceilings in that room were dirty and grimy. The licensee stated he dipped the equipment in rubbing alcohol prior to use. The bottle of alcohol he showed the inspectors contained a liquid that was discolored and yellow in appearance, did not smell like alcohol, contained a dead floating insect, and had no cap. The licensee showed the inspectors the clamps and the razor blades used to cut the ears. The licensee is not a veterinarian and is not trained or qualified to safely conduct painful, surgical procedures involving the amputation of tissue. The licensee must ensure that all surgical procedures for the dogs are conducted in a manner that meets professional veterinary standards by appropriately trained and qualified personnel. Surgeries performed by individuals without appropriate training could result in pain, distress, infection, or injury of animals. The licensee must ensure that the facility's program of veterinary care includes the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries and meets veterinary professional standards at all times.

Prepared By:

	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Aug-03-2011
Received By:	[redacted] (b)(6),(b)(7)(c)		**Date:**
Title:			Aug-04-2011

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

There was an outdoor enclosure housing two tan, adult Cocker Spaniels (# 160 and #094) and a four month old female German Shepherd (with no ID). There were two spots of dark red-brown runny liquid with a foul, putrid odor on the ground in the enclosure. The licensee stated he had not noticed it and he did not know which dog it came from. None of the dogs were showing outward signs of illness, but bloody diarrhea can be due to parasites, bacteria, viruses, or other infectious organisms which can be cause medical problems. The licensee must consult his veterinarian within 48 hours to determine which dog or dogs have abnormal feces and to ensure the animals receive an accurate diagnosis and appropriate treatment plan. The licensee must document the outcome of these consultations and make the information available to the inspectors upon request.

There was white female adult dog (#148) whose haircoat was nearly black and gray in color from dirt and grime on her coat. There were areas throughout her entire coat that were matted to the point that the hair was pulling away from her body exposing bare skin. The matted hair was soiled and wet, and had debris intertwined with the hair. Excessive matting causes pain and discomfort to the animal. In addition, matting can foster skin infections and can hinder the animal's ability to move or defecate normally. The licensee must remove the matted fur on these dogs. As part of the facility's program of veterinary care, the licensee must establish and follow a program of regular coat maintenance including the removal of matted hair, dirt, and grime for all the dogs to prevent the development of hair coat problems.

The licensee was storing vaccines (Parvovirus and Bordetella) along with other medications in a refrigerator which had a temperature of 48 degrees F according to the Kestrel. The Kestrel instrument was left in the refrigerator for at least 30 minutes in order to obtain this temperature. The containers the vaccines were in stated they should be maintained at a temperature of 35-45 F. Vaccines and other medications which are not stored at appropriate temperatures may not work as anticipated, could become contaminated, and could harm the animals The licensee must ensure that all vaccines and medications are stored at appropriate temperatures in accordance with their labels.

The licensee must ensure that all animals receive adequate veterinary care at all times.

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) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires the animal may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list all old and new official tag numbers or tattoos in his or her records of purchase which shall be maintained in accordance with Sec. Sec. 2.75 and 2.77. Any new official tag or tattoo number shall be used on all records of any subsequent sales by the dealer or exhibitor, of any dog or cat.
*****

Three adult dogs (blue roan Cocker Spaniel, German Shepherd, blonde Cocker Spaniel) did not have any means of identification. At least 20 cage cards for 51 puppies did not have the dam's information recorded on them. Without unique individual identification the animals cannot be identified. Licensee must

Prepared By:

	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Aug-03-2011
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Aug-04-2011

USDA

United States Department of Agriculture
Animal and Plant Health Inspection Service

25120816360186 OSBORNE insp_id

Inspection Report

VALENTE RIOS

Customer ID: **37266**
Certificate: **43-A-5652**
Site: 001
VALENTE RIOS

102 G B FISHER STREET

GALT, MO 64641

Type: ROUTINE INSPECTION
Date: Jan-24-2012

2.40 (b) (2) **DIRECT NCI**

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:
(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;
(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 Poodle, microchip #048296623, was observed to be very lethargic and not moving around her enclosure. When the inspectors questioned the licensee about this dog he informed them that they were treating this dog for a wound under her right front leg. Upon closer observation this dog had a large open gaping wound, approximately 4 inches in diameter. The muscle tissue and body wall underneath could be seen. The licensee stated that he had taken this dog to the veterinarian but could not recall the exact date or produce any documentation. When asked about how he was treating this dog he said that he was cleaning the wound with Hydrogen Peroxide, as instructed by the veterinarian, and treating it with oral antibiotics. The attending veterinarian was contacted by the inspector, via telephone at approximately 7:20 am on 25 January 2012. The attending veterinarian recalled seeing this animal and thought it had been 1 to 2 weeks ago. This type of large open wound where the body wall and muscle tissue are visible is very significant and may require additional treatment. The licensee was verbally instructed, via telephone on 25 January 2012 at 8:25 am, to have this dog seen by a licensed veterinarian by close of business today (25 January 2012) for an appropriate diagnosis and treatment plan. The licensee must provide documentation, upon request, to the inspectors.
To be corrected by close of business on 25 January 2012

A grey male Poodle, microchip #093350290, was observed repeatedly licking at his front paws. The inspectors had the licensee remove the dog from his enclosure and noted that his dog had significant matting on his legs and fecal material entangled with the hair around the dogs anal area. This matting on his legs was pulling at the skin and reddened areas were observed. The fecal material is entangled with the hair around the anal area is causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. This dog also had a dark brownish black discharge from his left eye

Prepared By: [redacted] STEPHANIE OSBORNE, A C I

STEPHANIE L OSBORNE, A C I — USDA, APHIS, Animal Care — **Date:**

Title: ANIMAL CARE INSPECTOR — Inspector 5054 — Jan-25-2012

Received By: [redacted] (b)(6),(b)(7)(c)

Title: — **Date:** Jan-26-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

causing the hair to mat on the left side of his face under his eye. Upon closer observation this dog had significant dental issues. There is a very foul odor that the inspectors noted from a few feet away. There is a heavy thick accumulation of a tan colored material encasing the top and bottom cheek teeth both left and right side. There is a white to gray colored material along the gum line. The gum is reddened, swollen and has pulled away and up from the tooth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

An apricot female Poodle, microchip # 083819029, was observed with a dark brownish black discharge from her left eye, causing the hair to mat on the left side of her face and under her left eye. Upon closer observation this dog had significant dental issues. There is a heavy thick accumulation of a tan colored material on the top and bottom cheek teeth both left and right side. There is a white to gray colored material along the gum line. The gum is reddened, swollen and has pulled away and up from the tooth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally. This dog also had significant matting on her legs and fecal material entangled with the hair around the dogs anal area. This matting on his legs was pulling at the skin. The fecal material is entangled with the hair around the anal area and is causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful.

A female Yorkshire Terrier, microchip # 072038531, was observed by the inspector to be withdrawn and huddled in the corner of her enclosure. The inspector had the licensee remove this dog from the enclosure. This dog was warm to the touch, had a hard lump on the lower left part of her abdomen. This dog also had generalized hair loss on her chest, abdomen and inside areas of her back legs. She also had an area of hair loss with reddened skin on her left back foot. This could be a sign of a medical condition. The licensee had no documentation on this dogs condition and has not consulted with a veterinarian.

A female Maltese, microchip #102885873, had a significant amount of fecal material adhered to her anal region. The fecal material was entangled with the hair causing it to block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee removed the matted fecal material and hair from this dog.

DIRECT - A female Yorkshire Terrier, microchip #010637285, was observed drooling. Upon closer observation this dog has a thick dark to light brown material adhered to the surface of her cheek teeth. This material has completely encased some of these teeth. There is a thin line of light grey material along the gum line of some of these cheek teeth. The gum line has pulled away and up from the surface of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A female Maltese, microchip #038003877, was observed with fecal material adhered to the anal region of

Prepared By:	STEPHANIE OSBORNE, A C I		
	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Jan-25-2012
Received By:	(b)(6),(b)(7)(c)		
Title:			**Date:** Jan-26-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

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this dog and entangled with the hair on her back legs. The fecal material in the anal area was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. The anal area of this dog was reddened and inflamed. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area and on her back legs.

A female Maltese, microchip # 089125862, was observed with a significant amount of fecal material adhered to the anal region of this dog. The fecal material was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area. This dog also has significant hair loss on her back legs, lower section of her back and her tail with her tail being mostly hairless. There were areas on the tail with dried and fresh blood. This could be a sign of a medical condition. There was also had a dark brown discharge from both of her eyes causing a large mat to form under each eye. Upon closer observation this dog had a heavy accumulation of a brown material adhered to the surface of her cheek teeth. This brown material completely encased some of these teeth. The gum line of this dog is reddened and inflamed and has pulled away and up from the teeth. There is a thin line of grey and whitish material along the gum line of some of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A male Maltese, microchip #'s 016089539 and 016080076, was observed with thick dark brown mats under both of his eyes. Upon closer observation this dog had a heavy accumulation of a brown material adhered to the surface of her cheek teeth. This brown material completely encased some of these teeth. The gum line of this dog is reddened and inflamed and has pulled away and up from the teeth. There is a thin line of grey and whitish material along the gum line of some of these teeth. These signs are consistent with the presence of dental disease, can be painful, lead to the development of other health problems, and can inhibit the ability of the animal to eat normally.

A female Apricot Poodle, microchip #089125353, was observed to be thin. Her vertebrae, ribs and hip bones were prominent and easily palpable. The licensee was unaware of this dogs condition and had not consulted with a veterinarian Dogs could be thin due to parasite, malnutrition, incompatibility with the other dogs in the enclosure, or other medical conditions. This dog must be evaluated by the veterinarian for an appropriate diagnosis and treatment plan.

A male Yorkshire Terrier, microchip #055297881, was observed to be limping on his back right leg. When the inspector palpated his leg the dog flinched on several occasions, which could be a sign of pain. The licensee was unaware of this condition nor had consulted a veterinarian. This could be a sign of an injury or other medical condition. The licensee must have this dog evaluated by a veterinarian for an appropriate diagnosis and treatment plan.

A female Yorkshire Terrier, microchip 038001567, significant amount of fecal material adhered to the anal

Prepared By:	[redacted] STEPHANIE OSBORNE, A C I		
	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Jan-25-2012
Received By:	[redacted] (b)(6),(b)(7)(c)		
Title:			**Date:** Jan-26-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

region of this dog. The fecal material was entangled with the hair causing it to partially block the dogs' ability to completely void the fecal matter. This accumulation of fecal material can cause irritation and/or infection to the skin around the anal area and could be painful. The licensee must remove the fecal material and groom the hair from this dogs' anal area.

A male Maltese, microchip #055289621, was heavily matted with matting on his head, chest, back, abdomen, and legs. The matting on the back appeared to be one continuous mat. The matting on the dogs legs and abdomen were tightly bound and the skin is easily visible. The licensee must remove these mats from this dog.

A female Yorkshire Terrier, microchip #091049523, has significant hair loss on both ears. The only hair left is on the very tips and edges of the ears. This could be a sign of a medical condition,

The above stated dogs with hair coat maintenance issues must be groomed to remove the matted hair and/or fecal material. 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 develop an effective program of hair coat maintenance.

The above stated dogs with dental issues and/or other medical conditions must be seen by a veterinarian for an appropriate diagnosis and treatment plan. Documentation must be maintained for all health related problems and it must include the following information:
- Identity of the animal.
- Descriptions of the illness or injury
- Dates, details, and results of examinations, tests, and other such procedures.
- Dates and other details of all treatments, including the name, dose, route, frequency, and duration of treatment with drugs or other medications.
- Follow-up exams to determine resolution of problem

An unlabeled white bottle containing a white liquid was found inside of the sheltered building, #7. There was a card next to this bottle that had the word "Penicur" written on it. When asked what was in the bottle the licensee stated it was panacur. The licensee said he had transferred the medication into a smaller container for ease of administering it to the dogs. The licensee produced a larger transferred bottle of Panacur obtained from his attending veterinarian. This bottle had the name of the medication along with the dosage but was missing the expiration date. Transferred bottles of medicine must be labeled properly with the contents, dosage and expiration date at all times for the health and well being of the animals.

Due to the high number of dogs with dental issues the licensee must discuss, and document as part of his program of veterinary care, a system of monitoring, diagnosing and treating dental issues with his attending veterinarian.

To be corrected by: 30 January 2012

Prepared By:	STEPHANIE OSBORNE, A C I		
	STEPHANIE L OSBORNE, A C I	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5054	Jan-25-2012
Received By:	(b)(6),(b)(7)(c)		
Title:			**Date:** Jan-26-2012

Exhibit F

Comment on Pennsylvania Wire Floor Regulations
by Lila Miller, Vice President of Shelter Medicine, ASPCA

Lila Miller, DVM
Veterinary Advisor
Vice President Veterinary Outreach

520 Eighth Avenue
7th floor
New York, NY 10018

lilam@aspca.org
tel. 212-876-7700 ext 4342
fax 212-860-3435
www.aspca.org

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DOG LAW

The Pennsylvania Department of Agriculture
Canine Health Board,
2301 North Cameron Street, Room 212
Harrisburg, PA 17110-9408

May 25, 2010

Comments regarding the use of wire floors in dog kennels

I am a 1977 graduate of Cornell University's Veterinary College. In addition to my position as Vice President at the ASPCA, I am adjunct assistant professor at the veterinary colleges at Cornell University and the University of Pennsylvania. I was awarded the 2008 AVMA and 2005 AAHA animal welfare awards. My entire career in veterinary medicine has been focused on the care of animals in shelters. I was co editor of the first textbook on shelter medicine and the management of infectious disease in shelters and taught the first course on shelter medicine at a veterinary college at Cornell in 1999. I have had the opportunity to visit hundreds of shelters holding dogs and cats both short and long term over the years and feel I have sufficient experience to comment as an expert on the of flooring in dog kennels.

I am opposed to the use of wire floors in commercial dog kennels, as is the ASPCA and the Association of Shelter Veterinarians (ASV). The latter group is in the final stages of drafting a document outlining guidelines for the humane care of animals in shelters. The ASV task force contains considerable veterinary expertise in the science of shelter medicine. The guidelines being developed focus on balancing behavioral and environmental enrichment and comfort with preventative health care measures and maintenance of sanitary conditions to reduce conditions that are conducive to disease transmission and discomfort. The guiding principle of the document is the Five Freedoms that were developed for farm animals in confinement in the UK in 1965. These freedoms state that confined farm animals are entitled to 1) freedom from hunger and thirst, 2) freedom from discomfort, 3) freedom from pain, injury or disease, 4) freedom to express normal behavior and 5) freedom from fear and distress (Brambell1965). It is the task force's belief that companion animals confined for either short or long term in shelters are entitled to the same consideration for their well being as farm animals.

After almost 2 years of meticulous research of numerous national and international guidelines outlining care of confined animals and careful consideration of all the ramifications for both the animals and the producers, the task force concluded, "Wire-mesh bottom floors in cages are not

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acceptable for cats and dogs ". Although this document is being developed for shelters, it has even more relevance for commercial breeders because animals in most shelters are relatively short term or temporary residents awaiting a new home, in comparison to animals in commercial breeding facilities where the vast majority of their lives may be spent in confinement, largely in their primary enclosures.

As society and veterinary science both gain a better understanding and concern about animal welfare, convenience for the operator can no longer be the primary determining factor to consider when designing animal housing, especially when better alternatives exist. The argument in favor of wire floors has almost always been confined to ease of sanitation, which is subject to challenge. Animal welfare, safety and comfort cannot be assured with wire floors, even those with the smallest openings. It has been established that dogs prefer solid floors. The overriding welfare benefit of solid floors is that dogs cannot get their nails or toes caught in them. Without close daily examination of animals, painful injuries caused by wire bottoms floors might go undetected for days. Even wire floors with the smallest openings present a problem because they cannot guarantee against animal injury. Furthermore, the floors with the smallest openings are also the ones that are most difficult to sanitize because fecal material and dirt can be caught in the crevices, leading to increased risk of disease transmission because most disinfectants commonly in use in animal kennels have poor activity in the presence of organic material, and poor sanitation contributes to disease transmission and odors and decreased animal comfort and welfare. In addition, wire mesh floors cannot be used universally for all dogs. They must be reinforced to hold the weight of large dogs as sagging is unacceptable by any humane standard, and they should not be used for small or toy breeds ever. The thick plastic coating on some wire floors becomes worn with age and must be replaced, requiring routine inspection and replacement to assure safety. Another hazard I encountered with removable wire mesh platforms is that dogs found ways to chew on them, damaging their teeth and ingesting the broken off pieces of plastic coating, causing gastric upset.

I recently provided training for the USDA animal care inspectors who visit these facilities. Although I did not discuss flooring, it is of note that the only comments I received privately upon conclusion of the training were expressions of a strong dislike of wire floors and a wish that I had mentioned that in my talk.

This is an opportunity for the Pennsylvania dog board to advocate on behalf of animal welfare and do what is best for dogs instead of best for the operator. In the past, industry interests about cost savings and convenience have dominated the discussion about animal care and housing. They have succeeded in downplaying concerns about animal well- being and welfare. Most of the many shelters I have visited over the past 30 years have solid floors for their dogs. If shelters and animal control facilities with their often small budgets can voluntarily provide solid floors for temporary or short term housing of dogs and manage to keep the primary enclosures clean and the animals comfortable, it is not unreasonable to require breeders holding animals long term to do the same.

Sincerely,

Lila Miller

Lila Miller, DVM

Exhibit G

State Laws and Regulations Regarding the Topics Addressed in the Petition

Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
California - Cal. Health & Saf. Code §§ 122045 - 122315	Housing primarily on wire flooring is not allowed. A solid resting surface must be made available.	**Size**: Requires space sufficient to stand, sit, turn about freely, lie in natural position, and have head not touch top of enclosure.	**Socialization**: Requires adequate socialization with other dogs or humans and exercise with dogs and humans.	No relevant regulations.	No relevant regulations.	Potable water must be available.
Colorado - Colo. Rev. Stat. § 35-80-101 to 117 & 8 Colo. Code Regs. 1201-11:1.00 to 25.00	Wire flooring is allowed. It must be coated. A solid resting surface must be made available.	**Size**: Specific formula based on size of dog, which is multiplied based on the duration of stay (x1.5 for >5-30 days; x2 for >30 days to 6 months; x3 for >6 months). Ceiling must be 6+ inches higher than head of tallest dog. **Temperature:** Must be maintained between 50-90 degrees.	**Socialization**: Requires that animals be housed in primary enclosures that are large enough to allow socialization with other dogs in enclosure.	No relevant regulations.	**Grooming**: Requires that matted hair and overgrown nails be prevented so that dogs can perform normal bodily functions.	Water must be offered as often as necessary to ensure health and well-being, but not less than twice daily.
Connecticut - Conn. Gen. Stat. § 22-342-344 & Conn. Agencies Regs. § 22-344-1 - 15	Wire flooring is allowed.	**Size**: Must be able to turn about freely, stand erect, and lie down naturally. Particular minimum square footage required by weight of dog. **Temperature**: Must be at a reasonable and suitable level to promote health and comfort of dog.	**Exercise**: Inside or outside runs shall be provided. **Socialization**: Requires segregation of adult dogs for health, welfare, or breeding reasons. Dogs in enclosures must be housed individually.	No relevant regulations.	No relevant regulations.	Clean, potable water must be provided.
Delaware - 9 Del.Code § 904	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size**: Size of enclosure is calculated using dog's length + 6 inches. Ceiling must be 6+ inches above dog's head. **Temperature:** Indoor: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	No relevant regulations.	No relevant regulations.	No relevant regulations.	Potable water must be available as often as necessary to ensure health and well-being.
Georgia - Ga. Comp. R. & Regs. § 40-13-13-.04	Wire flooring is allowed. A solid resting surface must be made available.	**Size:** There must be sufficient space for the dog to stand, sit, turn about freely, and lie in a natural position. **Stacking**: Stacking is allowed. There must be an impervious barrier between levels.	No relevant regulations.	No relevant regulations.	No relevant regulations.	No relevant regulations.
Indiana - Ind. Code §§ 15-21-1-1 to 15-21-7-1 & 345 Ind. Admin. Code 13-1-3	Wire flooring is not allowed unless there is a non-wire place for the dog to rest.	No relevant regulations.	**Exercise**: Must provide opportunity to exercise outside of enclosure at least once per day.	No relevant regulations.	No relevant regulations.	No relevant regulations.

Based in part on: Mich. State Univ. Animal Legal & Historical Center, Table of State Commercial Pet Breeders Laws, https://www.animallaw.info/topic/table-state-commercial-pet-breeders-laws (last visited Aug. 28, 2015).
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Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
Iowa - Iowa Code § 162.10A & Iowa Admin. Code r. 21-67.1 to 13	Wire flooring is allowed.	**Size**: Must be housed so as to comfortably allow dog to turn about, stand erect, sit, or lie. Maximum of 12 dogs per primary enclosure.	**Exercise**: Must be exercised at least twice a day, unless the primary enclosure is large enough to provide this exercise. **Socialization**: Permits group housing.	No relevant regulations.	**Grooming:** Requires grooming so as to not cause adverse health or suffering. **Preventive Care**: Programs of disease prevention and control shall be established and maintained. Veterinarian visit each year required.	Must provide adequate water so as to not cause adverse health or suffering, and at suitable intervals not to exceed 24 hours.
Kansas - Kan. Stat. § 47-1702 & Kan. Admin. Regs. §§ 9-25-1 to 15	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size**: Size of enclosure is calculated using dog's length + 6 inches. Ceiling must be 6+ inches above dog's head. **Temperature**: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	**Exercise**: Must provided regular exercise opportunities daily. **Socialization**: Requires socialization with humans in daily exercise.	No relevant regulations.	**Preventive Care**: Breeders must have an attending veterinarian and enact a documented program of disease control and prevention.	Potable water must be available at least twice a day for at least one hour each time. If the temperature is over 85 degrees, water must be continually available.
Maine - Me. Stat. tit.7, §3931A & 01-001 Me. Code. R. Ch. 701 §§ I-II	Wire flooring is not allowed. Solid flooring must be provided.	**Stacking**: Stacking is allowed. Excreta must not be able to fall through. **Temperature**: Inside, minimum temperature must be kept at a level to maintain good general health and condition for dogs.	**Exercise**: Must remove dogs from enclosure at least twice every 24 hours. Exercise area must be maintained for dogs.	No relevant regulations.	**Preventive Care**: Effective programs for the control of disease must be established and maintained.	Clean water shall be available at "0" times. [Note: Likely clerical error, should say "all"]
Minnesota - Minn Stat. §§ 347.57 to .64	No relevant regulations.	No relevant regulations.	**Socialization**: Requires socialization with humans and other animals at least twice daily. Daily enrichment required.	No relevant regulations.	**Preventive Care**: Breeders must establish and maintain a written protocol for disease control and prevention and veterinary care of animals approved by board.	No relevant regulations.

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State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
Missouri - Mo. Rev. Stat. §§ 273.345-46 & Mo. Code Regs. tit. 2,§ 30-9.010 to .030	Wire flooring is not allowed in any enclosure, starting Jan. 1, 2016.	**Size**: There must be sufficient space for the dog to stand, sit, turn about freely, and lie in a natural position. Minimum amount of space calculated using length of dog + 6 inches. As of Jan. 1, 2016, dogs housed singly must have their minimum amount of floor space multiplied by a factor of six (6). **Stacking**: Stacking is allowed. There must be an impervious barrier between levels. **Temperature**: Indoor/sheltered: Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	**Exercise**: Requires a regular exercise plan, approved by a veterinarian. Requires provision of "constant and unfettered access to an attached outdoor run."	Adequate rest between breeding cycles is required. (no more than is recommended by a veterinarian).	**Preventive Care**: Requires annual veterinary checkup and prompt treatment of any serious illness or injury.	Clean, non-frozen, potable water must be available continuously or at intervals suitable to the species. Such intervals may not be more than 8 hours.
Nebraska - Neb. Rev. Stat. §§ 54-625 - 43 & 23 Neb. Admin. Code §§ 18-001 to 015	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size:** Requires adequate room for dog to turn, sit, stand, and lie comfortably. Ceiling must be 6+ inches above dog's head. **Temperature**: Requires protection from extreme temperatures that may be uncomfortable or hazardous.	**Exercise**: Requires either (1) that primary enclosures give dogs "unfettered access to an exercise area that is at least three times the size of the requirements for a primary enclosure," or (2) that dogs be provided exercise according to a plan approved by a veterinarian. **Socialization**: Requires that dogs be provided with adequate socialization with other dogs and humans, other than feeding.	All surgical births must be performed by a licensed veterinarian.	**Grooming:** Requires regular grooming including nail trimming and preventing matting. **Preventive Care**: Written veterinary care plan required, establishing program of disease control and prevention, and including a wellness examination every 3 years by a licensed veterinarian.	Must provide adequate amounts of clean water
Nevada - Nev. Stat. §§ 574.210 - 450	Wire flooring is not allowed. A solid floor is required.	**Stacking**: Explicitly prohibited. **Size**: Must be able to turn about freely and stand, sit, and lie comfortably. Minimum size calculated using length of dog + 6 inches. **Temperature**: Indoors: Must be maintained between 50 and 85 degrees, unless each dog is acclimated to a lower temperature.	No relevant regulations.	Prohibits breeding females before 18 months of age or more than once a year.	**Preventive Care**: A dog must be vaccinated for rabies before it can be sold.	Potable water must be offered at least twice daily for at least 1 hour on each occasion

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Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
New Jersey - N.J. Admin. Code §§ 8:23A–1.1 to 1.8	Wire flooring is allowed.	**Size**: Sufficent space to turn about freely, stand, sit, and lie in comfortable position. Minimum enclosure size is calculated using dog's length + 6 inches. **Temperature**: Must be regulated between 55 and 85 degrees.	**Exercise**: Dogs must be provided with exercise at least twice a day or be housed in enclosures at least twice the minimum required size.	No relevant regulations.	**Preventive Care**: Breeders must establish and maintain a program for disease control and adequate health care under the supervision of a doctor of veterinary medicine.	Potable water must be continuously available.
New York - N.Y. Agric. & Mkts. Law § 401	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size**: Requires sufficient space for dog to stand up, turn around, and lie down with limbs outstretched.	**Exercise**: Requires daily exercise. Encourages positive physical contact with humans in exercise plan.	No relevant regulations.	No relevant regulations.	Clean, potable water must be available at regular intervals.
North Carolina - 2 N.C. Admin. Code 52J.0201 to .0210	Wire flooring is allowed. A solid resting surface must be made available.	**Size**: Provide space to allow each dog or cat to walk, turn about freely, and to easily stand, sit, or lie in a natural position. Minimum size of enclosure is calculated using dog's length + 6 inches. **Temperature**: Indoor: Must be regulated between 50 - 85 degrees.	**Socialization**: Requires daily access to both human and same species social interaction.	No relevant regulations.	**Preventive Care**: A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian.	Potable water must be continuously available.
Ohio - Ohio Admin. Code 901:1-6-01 to 05	Wire flooring is allowed. It must be coated wire. A solid resting surface must be made available, starting Dec. 31, 2016.	**Size**: Custom formula for enclosure size based on dog length + 6 inches. Ceiling must be 6 inches higher than dog's head. **Stacking**: Stacking is allowed. Excreta and urine must not penetrate from above. **Temperature**: Must regulate temperature when it otherwise poses a threat to health and welfare of dog.	**Exercise**: Requires daily effective enrichment. **Socialization**: Requires daily positive human contact and socialization beyond feeding and cleaning time. Requires daily visual contact with other dogs.	All surgical procedures must be performed by a licensed vet.	**Preventive Care**: Requires yearly veterinary checkup and prompt treatment of any serious illness or injury.	Clean, potable water must be offered at least twice daily for at least 1 hour on each occasion.

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Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
Oklahoma - Okla. Admin. Code §§ 532:15-3-1 to 12	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire. Requires solid resting area equal to 25% of the size of the minimum enclosure.	**Size**: Custom formula for enclosure size based on dog length + 6 inches. **Stacking**: Stacking is allowed. Excreta and debris must not penetrate from above. **Temperature**: Indoor/sheltered: Must regulate temperature between 50 - 85 degrees.	**Exercise**: Requires that dogs be provided with regular daily exercise or be housed in enclosures at least twice the minimum required size. Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable. **Socialization**: Requires socialization with humans daily if there is no regular contact with other dogs.	Only healthy females may be bred. Females must be at least 10 months old before breeding.	**Grooming**: Brushing, nail and hair trimming all required. Required to bathe dogs frequently enough to maintain good skin health and odor control.	Potable water must be available at least 3 times per day for at least 1 hour on each occasion.
Oregon - Ore. Rev. Stat. §§ 167.310, 167.376	Wire flooring is not allowed. Solid flooring without slats or gaps must be provided.	**Size**: Must be able to turn about freely and stand, sit, and lie comfortably. Ceiling must be 6+ inches higher than head of dog **Stacking**: Stacking is not allowed. **Temperature**: Must be maintained at a temperature suitable for the animal.	**Exercise**: Requires exercise for one hour daily.	No relevant regulations.	No relevant regulations.	Potable, non-frozen water must be made available with open or adequate access in sufficient quantity to satisfy the animal's needs.
Pennsylvania - 3 Pa. Cons. Stat. § 459-207	Wire flooring is not allowed. If slatted flooring is used, it must be flat, with slats of at least 3.5 inches, and no more than 0.5 inches between slats.	**Size**: Provide space to allow each dog to turn about freely and to stand, sit and lie in a normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure. Minimum enclosure size calculated using length of dog + 6 inches, and on the number of dogs in the enclosure. Ceiling must be 6+ inches higher than head of tallest dog. **Stacking**: Stacking is not allowed for dogs over 12 weeks old. There is a maximum height of two levels when stacking is otherwise allowed. Excreta and urine must not pass through. **Temperature**: Must regulate temperature between 50 - 85 degrees.	**Exercise**: Requires that primary enclosure allow for unfettered access to a ground-level outside exercise area with solid floor that is at least twice the size of the primary enclosure. Forced exercise methods or devices such as swimming, treadmills or carousel-type devices do not count.	No relevant regulations.	**Preventive Care:** During every required examination, the veterinarian must use appropriate methods to prevent, control, diagnose, and treat diseases.	Potable water must be continuously available.

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Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
Tennessee - Tenn. Comp. R. & Regs. 1200-33-01-.08 and .09 (Explicitly requiring breeders to follow 9 CFR 3.1 standards)	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size**: Provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner. Minimum enclosure size calculated using length of dog + 6 inches. Ceiling must be 6+ inches taller than tallest dog. **Temperature**: Indoor/sheltered:Temperatures outside of 45 - 85 degrees are not allowed for more than 4 hours.	**Exercise**: Regular exercise is required, or housing in enclosures double the minimum size. **Socialization**: Positive physical contact with humans is encouraged in exercise plan.	Any act that constitutes the practice of veterinary medicine must be performed by a licensed veterinarian.	No relevant regulations.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.
Texas - 16 Tex. Admin. Code §§ 91.100 to 112	Wire flooring is allowed. It must be wide gauge (9 gauge) or coated wire.	**Size**: Must be able to turn about freely and stand, sit, and lie comfortably. Minimum enclosure size calculated using length of dog + 6 inches. Ceiling must be 6+ inches higher than head of tallest dog. **Stacking**: Stacking is allowed. There is a maximum height of three levels. There must be an impervious barrier between the levels. **Temperature**: Indoors/sheltered: Temperatures outside of 45 - 85 degrees are not allowed for more than 2 hours.	**Exercise**: Requires that dogs be provided with regular daily exercise for at least one hour or be housed in enclosures at least 3 times the minimum required size if they were housed separately. Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements. **Socialization**: Requires positive physical contact with humans.	Requires rest between breeding cycles as recommended by veterinarian. Surgical births can only be performed by a licensed veterinarian.	**Grooming:** Requires grooming as required to maintain health and cleanliness. **Preventive Care**: Requires annual vet examination and regular healthcare plan.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.
Vermont - Vt. Admin. Code 2-4-300:3.1 to 3.10	No relevant regulations.	**Size**: Must be able to turn about freely and stand, sit, and lie comfortably. Minimum size of enclosure calculated using length of dog + 6 inches. **Temperature**: Indoor: must regulate temperature between 50 - 85 degrees.	No relevant regulations.	No relevant regulations.	No relevant regulations.	Potable water must be offered at least twice a day for at least 1 hour on each occasion.

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Compilation of State Laws and Regulations Regarding the Topics Addressed in this Petition

State	Flooring	Housing Conditions (size, stacking, temperature)	Exercise & Socialization	Breeding Issues	Preventive Care and Grooming	Water access
Virginia - Va. Code Ann. § 3.2-6500 to 6507	Wire flooring is allowed. A solid resting surface must be made available.	**Size**: Must be able to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position.	**Exercise:** Requires adequate exercise to maintain normal muscle tone and mass.	Can only breed female dogs between ages 18 months and 8 years. Requires breeders to get an annual certification that the dog is healthy enough for breeding.	No relevant regulations.	Clean, potable water must be available in adequate amounts.
Washington - Wash. Rev. Code § 16.52.310	Wire flooring is allowed.	**Size**: Must be able to turn about freely and stand, sit, and lie comfortably. Ceiling must be 6+ inches taller than head of tallest dog. **Stacking**: Stacking is not allowed.	**Exercise**: Requires at least 1 hour of exercise daily.	May only use dogs between 1-8 years for breeding. Dogs may not be bred if a veterinarian determines animal is unfit.	No relevant regulations.	All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.
West Virginia - W. Va. Code § 19-20-26	Wire flooring is allowed.	**Stacking**: Stacking is not allowed. **Temperature**: Prohibits extreme temperatures.	No relevant regulations.	Requires breeders to get an annual certification that the dog is healthy enough for breeding.	**Preventive Care**: Must maintain current, valid rabies certificates for every dog.	All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times.
Wisconsin - Wis. Stat. § 173.41; Wis. Adm. Code ATCP §§ 16.20 to 24;	Wire flooring is allowed. It must be coated wire.	**Size**: Minimum enclosure size based on length of dog. **Stacking**: Stacking is allowed. Excreta and urine must not fall through. **Temperature**: Temperature should be kept within appropriate limits based on breed capacity and comfort of the dog.	**Exercise**: Requires minimum 1/2 hour daily exercise. Prohibits keeping a dog in its enclosure for "excessive" periods of time. Requires inanimate play object in primary enclosure. **Socialization**: Requires minimum 1/2 hour daily positive human contact and contact with other dogs.	No relevant regulations.	**Grooming**: Grooming of nails and hair required. **Preventive Care**: Requires veterinary examinations as necessary to ensure adequate health care. Requires adequate treatment and prevention of illness and injury.	Clean, potable, non-frozen water must be continuously available.

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Exhibit H

Breed Clubs' Rules Regarding Breeding Ages and Frequency

Breed Clubs' Rules Regarding Breeding Ages and Frequency (as of December 2014)

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Afghan Hound Club of America	http://clubs.akc.org/ahca/	24 months of age		No bitch should be bred more than twice in any three consecutive seasons.	Yes
Alaskan Klee Kai Association of America	http://www.akkaoa.org/	Only after the dog has properly matured		Only as often as is consistent with good health under the dictates of sound veterinary standards.	No
Staffordshire Terrier Club of America	http://www.amstaff.org/	Bitches: must be mature, and never before her third heat. Males: 12 months		If a bitch is to be bred twice consecutively, she must be allowed a full year of rest before being bred again.	Yes
American Water Spaniel Club	http://www.americanwaterspanielclub.org	Two years of age or older and CERF Certified at one to two years of age and every 24 months thereafter, and free of other serious hereditary problems.		Veterinarian check every 24 months prior to breeding is suggested.	Yes
Anatolian Shepherd Dog Club of America	http://www.asdca.org/	Only after the dogs are physically mature and at least two years of age with no disqualifying faults per		Bitches should not be bred two heats in a row without veterinary approval.	Yes

[1] According to the American Kennel Club's webpage as of Sept. 1, 2015.

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
		the AKC Standard.			
Australian Cattle Dog Club of America	http://www.acdca.org/	One year old and not before her second heat		That no bitch shall be bred before her second season, nor shall be bred repeatedly in such a manner as to endanger her health or the puppies and their physical and mental well-being.	Yes
United States Australian Shepherd Association	http://www.australianshepherds.org/	Only bitches after they attain their second season or are eighteen months of age.		A normal bitch (i.e. having a six month cycle) should not be bred more than 2 out of 3 consecutive seasons unless so directed by a licensed veterinarian.	Yes
Australian Terrier Club of America, Inc.	http://www.australianterrier.org/	No bitch sooner than her second season. Recommends that the stud be at least one year of age.		Breed a bitch no more than two out of three consecutive seasons, or more than twice in eighteen months.	Yes
Barbet Fanciers Club of America	http://barbetfanciers.com/	Two years old		Have at least one heat between litters	Yes
Basenji Club of America	http://www.basenji.org/	No bitches in their first season. Preferably not before the age of two years		No more than once per year	Yes
National Beagle Club	http://clubs.akc.org/NBC/index.htm			"No bitch should be required to have an excessive number of litters, and no bitch should be mated at successive seasons without regard to her health."	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Bearded Collie Club of America, Inc.	http://bcca.us/	Two years old	Eight years of age	Recommends that a bitch not be bred during three consecutive seasons unless either of the first two breedings produced fewer than two live puppies or her seasons are 12 or more months apart. It is advisable that a bitch not produce more than 5 litters during her lifetime.	Yes
American Beauceron Club	http://www.beauce.org/	Two years of age. However, because this breed is slow to mature, many breeders wait until the dogs are at least three years of age.		A bitch should not be bred more than twice out of every three seasons. Some responsible breeders of working bitches limit breeding to age two, four and six.	Yes
Bedlington Terrier Club of America	http://bedlingtonamerica.com/	18 months old	10 years of age	A bitch should not be bred before her second season or 18 months of age, whichever occurs first. The maximum recommended numbers of litters a bitch should have in a lifetime is 4 to 5 litters, and only if the bitch remains in good health.	Yes
Belgian Sheepdog Club of America, Inc.	http://www.BSCA.INFO/	18 months of age		Not more often than two out of three consecutive heat seasons, and only then if in robust health.	Yes
Bergamasco Sheepdog Club of America	http://bergamascousa.com/	22 months of age (but 24 months is recommended)		Not more than 2 out of 3 consecutive seasons	Yes
Bernese Mountain	http://www.bmd	24 months of age		No more than two out of three	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Dog Club of America	ca.org/			seasons. A period of a one-year rest between litters is desirable.	
Black Russian Terrier Club of America, Inc.	http://brtca.org	24 months of age, and then only if the bitch is sufficiently mature, in excellent physical health, of sound temperament, and conforms to the Breed Standard.	Six years unless the bitch is given veterinary approval	Do not allow a bitch to whelp more than two litters in any three consecutive six-month seasons. Do not allow a bitch to carry to term and rear more than 6 litters in her lifetime. Do not breed and raise more than three litters in any given year.	Yes
Borzoi Club of America	http://www.borzoiclubofamerica.org/	No bitch before she is at least two years of age and has had two complete normal seasons.	Nine years	No more than two (2) litters in a two (2) year period.	Yes
Boston Terrier Club of America	http://www.bostonterrierclubofamerica.org/			Definitely avoid anyone who "always has puppies", or who is breeding their bitch every year	Yes
American Bouvier Des Flandres Club, Inc.	http://www.bouvier.org/	No bitch during her first season unless this occurs after 12 months of age.		No more often than two out of three heat seasons (and only if in excellent health.	Yes
American Boxer Club, Inc.	http://www.americanboxerclub.org/	18 months of age	Six years	Not more than twice in any three consecutive estrus cycles.	Yes
The Bracco Italiano Club of America	http://www.thebraccoclub.org/	Two years of age	Seven years	No more than one litter a year	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Braque D'Auvergne Pointer Club of America	http://braque-d-auvergne.org/registry.htm			No more than twice in 2 years.	No
Braque Du Bourbonnais Club of North America	http://bdbca.org/	Only after 2 years of age		Not breed any females on consecutive heat cycles that fall within a 12 month period	Yes
Bulldog Club of America	http://www.bulldogclubofamerica.org/	18 months of age	Five years unless a veterinarian says otherwise	A responsible breeder will not permit a bitch to produce three consecutive litters unless breeding consecutive litters is recommended by a veterinarian.	Yes
Cairn Terrier Club of America	http://www.cairnterrier.org/	16 months of age		No more than 2 out of 3 heat seasons, and only then if in robust health	Yes
Canaan Dog Club of America	http://www.cdca.org/	Two years of age	Nine years	A bitch shall produce no more than 7 litters in her lifetime and produce no more than 1 litter per year.	Yes
Cane Corso Association of America	http://www.canecorso.org/	18 months of age		Females should not be bred every heat cycle	Yes
Cardigan Welsh Corgi Club of America, Inc.	http://www.cardigancorgis.com/	12 months of age		No more than twice in 18 months	Yes
American Cavalier	http://ackcsc.org	18 months old or her third	Eight years	Do not allow a bitch to whelp more	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
King Charles Spaniel Club, Inc.		season, whichever comes first		than two litters during any three consecutive heat cycles. 3. Do not allow a bitch to carry to term and rear more than six litters in her lifetime.	
Central Asian Shepherd Society of America.	http://cassa.homestead.com/	18 months of age	Seven years	Not more than once per year	No
American Cesky Terrier Fanciers Association	http://ceskyterrierfanciers.com/	Two years of age	Eight years	No more than 2 out of 3 consecutive seasons. No more than 4 litters in a lifetime	Yes
Chinese Shar-Pei Club of America, Inc.	http://www.cspca.com/	18 months of age	Eight years	Not more than two out of three consecutive seasons	Yes
Chinook Club of America	http://www.chinookclubofamerica.org/ http://chinookclubofamerica.org/home.htm	Two years of age	Seven years	No more than 2 litters in 2 years	Yes
Cirneco dell'Etna Club of America	http://www.cirneco.com/Welcome.html	Two years of age		Not more than once per year	No
Clumber Spaniel Club of America	http://www.clumbers.org/	Two years of age		No more than 3 litters	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
American Spaniel Club	http://www.asc-cockerspaniel.org/			Breeders shall not breed bitches every season. (It is recommended a bitch not be bred more than four times during a lifetime). Limit the number of litters they breed, or co-breed, to average no more than four litters a year. (This, due to the extreme number of litters being produced and the large number of dogs ending up in animal shelters).	Yes
Curly-Coated Retriever Club of America	http://www.ccrca.org/	Two years old		Not to have litters from any bitch more than once in a calendar year or not more than twice in a two year period, if successfully bred on consecutive seasons in a single calendar year.	Yes
The Czechoslovakian Vlcak Club of America	http://www.czechoslovakianvlcak.org/	Two years of age	Bitch: 7 years Stud: 8 years old	When a bitch's cycle is under one year, there should be no breeding at two successive seasons, unless there is a very exceptional reason. Bitches should have no more than 5 litters in their lifetime.	Yes
Dachshund Club of America, Inc.	http://www.dachshund-dca.org/			Reputable breeders typically only have a few litters a year, and will only breed their females a few times in their lifetime	Yes
Dandie Dinmont Terrier Club of	http://clubs.akc.org/ddtca/index.	Never during the bitch's first season		No more often than two out of three heat seasons and then only if she is	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
America, Inc.	html			in robust health	
Danish-Swedish Farmdog Club of America	http://www.farmdogs.org/index.htm	24 months of age	Eight years	Not more than 2 out of 3 consecutive seasons, and no more than 4-5 litters in a lifetime	No
Doberman Pinscher Club of America	http://www.dpca.org/	The bitch should be at least 18 months of age. The stud should be at least one year of age	Eight years unless the bitch receives a veterinary certification.	No bitch should be bred more than once a year without first obtaining veterinary certification that such a breeding is medically appropriate	Yes
The Drentsche Patrijshond Club of North America	http://www.dpcna.org/		Eight years	Not more than once per year	No
American Dutch Shepherd Club	http://members.atlantic.net/~vcristel/adsc.htm			Not more than 2 out of 3 consecutive season	No
The English Shepherd Club, Inc	http://www.englishshepherd.org/	Must be both physically and mentally mature	"[A]n appropriate age"	Do not breed any bitch repeatedly in such a manner as to endanger her health or that of her puppies	No
English Toy Spaniel Club of America	http://www.englishtoyspanielclubofamerica.org/	The bitch must be at least 12 months of age, sufficiently mature, and in excellent health	Breeder should seek the opinion of a veterinarian regarding the bitch's health for breeding at 7 years of age	Breeder shall not breed bitches more than 2 out of every 3 seasons. A bitch should not be allowed to carry to term and rear more than 5 litters in a lifetime.	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
The Estrela Mountain Dog Association of America	http://www.emdaa.com/	Two years of age	Eight years	Not more than once per year. No more than 3 litters or 30 puppies in a lifetime.	No
United States Eurasier Club	http://www.useurasierclub.org/	Two years of age	Seven years	At least 12 months between breedings. No more than 3 litters in a lifetime.	Yes
Fila Brasileiro Association, Inc	http://www.filabrasilassn.com/index.shtml	18 months of age		No more than 2 out of 3 consecutive seasons	No
Finnish Lapphund Club of America	http://www.finnishlapphundclubofamerica.org/	18 months of age (but preferably 24 months of age)		Not more than 2 out of 3 consecutive seasons	Yes
Flat-Coated Retriever Society of America, Inc.	http://www.fcrsainc.org/	24 months of age		No more than once a year, or more than twice in any two year period, if bred on consecutive seasons. A bitch, in her lifetime, would not be expected to produce more than three litters of normal size.	Yes
German Pinscher Club of America	http://www.german-pinscher.com/	Bitches: 18 months of age. Studs: one year of age.	Studs: 12 years of age. Bitches: 9 years of age.	No more than once a year	Yes
German Shepherd	http://www.gsdc	Two years old		Breed bitches only when there is a	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Dog Club of America	a.org/			definite goal for improvement of the breed in mind, never permitting them to produce three consecutive litters unless breeding consecutive litters is recommended by a veterinarian.	
German Shorthaired Pointer Club of America	http://www.gspca.org/	24 months of age		No more than twice in 2 years.	Yes
Giant Schnauzer Club of America, Inc.	http://www.giantschnauzerclubofamerica.com	Two years old	Eight years	Not more than once a year	Yes
Glen of Imaal Terrier Club of America	http://www.glens.org/	Two years old	Eight years	No more than 2 litters during any 3 consecutive seasons nor more than 4 litters in her lifetime.	Yes
Great Dane Club of America, Inc.	http://www.gdca.org/	18 months of age		Not more than once a year	Yes
Great Pyrenees Club of America, Inc.	http://www.gpcaonline.org/	20 months of age or not before her second heat		No more than 2 out of 3 heat seasons	Yes
Greater Swiss Mountain Dog Club of America	http://www.gsmdca.org/	Two years of age		No more than 4 litters in her lifetime	Yes
Greyhound Club of America	http://www.greyhoundclubofamericainc.org/index	18 months of age	Seven years	No breeding at 2 consecutive seasons	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
	.html				
Hamiltonstövare Club of America	http://www.hamiltonstovareusa.com/	Two years of age		No more than once per year	No
Hovawart Club of North America	http://www.hovawartclub.org/	24 months of age	Eight years	No more than once every 12 months, or 18 months if previous litter has more than 8 puppies	No
Icelandic Sheepdog Association of America, Inc.	http://www.icelanddogs.com/Main.html	24 months of age	Eight years	No more than 4 litters or 25 puppies (whichever is greater). One season or 9 months in between litters.	Yes
Irish Red and White Setter Association	http://www.irishredwhitesetterassociation.com/	Two years of age	Eight years	Not more than once in 12 months	Yes
Irish Wolfhound Club of America	http://www.iwclubofamerica.org/	24 months of age	Six years	No more than 2 out of 3 consecutive seasons, and no more than 3 litters in a lifetime	Yes
Italian Greyhound Club of America, Inc.	http://www.italiangreyhound.org/	Two years of age		No more than 2 out of 3 seasons	Yes
Japanese Spitz Club of America	http://www.japanesespitzusa.com/	One year of age	Nine years	No more than 2 litters every 18 months. No more than 7 litters in a lifetime.	No
Keeshond Club of	http://www.kees	18 months of age,	Eight years	No more than 2 litters in 18 months	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
America, Inc.	hond.org/	recommended 2 years old		or 3 seasons	
United States Kerry Blue Terrier Club, Inc.	http://www.uskbtc.com/	18 months of age, preferably 24 months	Eight years	No more than 2 out of 3 consecutive heat cycles, no more than 5 litters in a lifetime	Yes
American King Shepherd Club, Inc.	http://www.americankingshepherdclubinc.com/			It is recommended to skip a heat period between breedings of the bitch.	No
Lagatto Club of America	http://www.lagottous.com/	18 months of age		No more than 2 out of 3 consecutive seasons	Yes
Leonberger Club of America	http://www.leonbergerclubofamerica.com/	Two years of age	Eight years	At least 10 months between breedings	Yes
American Lhasa Apsos Club	http://www.lhasaapso.org/	18 months of age	Nine years	No more than 2 out of 3 consecutive seasons	Yes
The Lucas Terrier Club of America	http://www.lucasterrier.com/		Seven years	No more than 5 litters in her lifetime	No
Maremma Sheepdog Club of America	http://maremmaclub.com/			No more than 2 out of 3 consecutive seasons	No
Mastiff Club of America, Inc.	http://www.mastiff.org/	22 months of age	Seven years	No more than once in any 12 month period unless she does not whelp a litter, the litter is stillborn, consists of a single pup, or is part of a veterinarian's recommendation.	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
American Mudi Association	http://www.americanmudiassociation.org/	Two years of age		No more than once per year and not more than 2 out of 3 consecutive seasons	No
United States Neapolitan Mastiff Club	http://www.neapolitan.org/	12 months of age and not before her second heat cycle	After a female has already whelped five litters	Not more than two out of three consecutive heat cycles	Yes
Norwegian Elkhound Association of America, Inc.	http://www.neaa.net/	18 months of age	Seven years	Not in two consecutive heat cycles	Yes
Old English Sheepdog Club of America, Inc.	http://www.oldenglishsheepdogclubofamerica.org/	24 months of age		Not in two consecutive heat cycles	Yes
Parson Russell Terrier Association of America	http://www.prtaa.org/	18 months of age		No more than 6 litters in a lifetime	Yes
Pembroke Welsh Corgi Club of America	www.pembrokecorgi.org/	One year of age	Eight years	Not 2 out of 3 consecutive seasons, not more than 6 litters in a lifetime	Yes
Peruvian Inca Orchid Enthusiasts Club	http://peruvianincaorchidenthusiastsclub.org/index.html	Two years of age	Eight years	No more than 4 litters in a lifetime, or not more than 2 out of 3 consecutive seasons	No

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Pharaoh Hound Club of America	http://www.ph-club.org/	Bitch: 18 months of age Stud: one year of age	Eight years	Not more than once a year without first obtaining veterinary certification that more frequent breedings is medically appropriate	Yes
American Polish Lowland Sheepdog Club	http://www.aponc.org/	18 months of age (2 years recommended)		Not more than 2 out of every 3 seasons	Yes
The Polish Tatra Sheepdog Club of America	http://www.ptsca.com/	Two years of age		Not more than 2 out of 3 consecutive seasons	No
Portuguese Pointer Club of America	http://www.portuguesepointerclub.com/	One year old, but two years is recommended	Seven years	No more than once per year	No
Puli Club of America, Inc.	http://www.pulicclub.org/	After the bitch's first season		Not more than 2 out of 3 consecutive seasons	Yes
Pyrenean Mastiff Club of America	http://www.pyreneanmastiff.org/	24 months of age	Seven years	Must have a ten month rest period between litters. No more than 5 litters in a lifetime.	No
The Pyrenean Shepherd Club of America	http://www.pyrshepclub.com/	18 months of age		Not more than 2 out of 3 consecutive seasons	Yes
American Rottweiler Club	http://www.amrottclub.org/	Two years of age		Not more than 2 out of 3 consecutive seasons	Yes
Saint Bernard	http://www.saint	18 months of age, and after		No more than two out of three	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Club of America	bernardclub.org/	her second season		seasons. A period of one year lapse between litters is suggested.	
Saluki Club of America	http://www.salukiclub.org/	Two years of age	Seven years	Not more than 4 litters in a lifetime (1 or 2 recommended)	Yes
Schipperke Club of America, Inc.	http://www.schipperkeclub-usa.org/	One year and after her second season		Not 2 successive litters in a year	Yes
Scottish Terrier Club of America	http://www.stca.biz/	18 months of age, or not before her third heat		Skip a season between most litters.	Yes
American Sealyham Terrier Club	http://clubs.akc.org/sealy/	One year of age		Not more than 2 out of 3 heats	Yes
Siberian Husky Club of America, Inc.	http://www.shca.org/	Two years of age		Not on consecutive seasons	Yes
International Silken Windhound Society	http://silkenwindhounds.org/	18 months of age		No more than 2 litters in 2 years	No
American Sloughi Association	http://www.sloughi-international.com/	Not before the bitch's second heat	Eight years	No more than once per year and no more than 3 litters in a lifetime	Yes
Slovensky Cuvac Dog Club of	http://www.slovenskycuvacusa.c			One heat between each breeding	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
America	om/				
Small Munsterlander Pointer Club of America	http://smpca.org/	Two years of age	Eight years	No more than 2 out of 3 consecutive cycles. No more than 5 litters of 3 or more puppies in her lifetime.	Yes
American Fox Terrier Club	http://www.aftc.org/	One year of age	Eight years	No more than 2 out of 3 seasons	Yes
Soft Coated Wheaten Terrier Club of America	http://www.scwtca.org/	18 months of age		If bred on 2 successive seasons or twice within 12 months, do not breed her during her next 2 seasons or 12-month period.	Yes
Ameri-Can Stabyhoun Association	http://www.stabyhouns.org/	24 months of age	Eight years	No more than 2 litters in 24 months. No more than 5 litters in a lifetime.	Yes
Staffordshire Bull Terrier Club of America	http://www.sbtca.com/	Not prior to the bitch's second season	Six years	No more than twice in 3 consecutie seasons	Yes
Swedish Vallhund Club of America	http://www.swedishvallhund.com/	18 months of age		No more than twice in 3 consecutive seasons	Yes
American Tibetan Mastiff Association	http://www.tibetanmastiff.org/	Two years of age	Eight years	No more than 2 litters in 3 years	Yes
Tibetan Terrier Club of America,	http://www.ttca-	Two years of age		Skip a season between most litters.	Yes

National (or other) Breed Club	Website	Min. Breeding Age	Max. Breeding Age	Breeding Frequency	AKC-registered Breed[1]
Inc.	online.org/				
Welsh Springer Spaniel Club of America	http://www.wsscа.com/	Two years of age		Not more than twice in any three consecutive seasons	Yes
West Highland White Terrier Club of America	http://www.westieclubamerica.com/	Not before the bitch's second estrus or 13 months	Seven years	Not more than 2 out of 3 consecutive seasons	Yes
American Wirehaired Pointing Griffon Association	http://www.awpga.com/	Two years of age	Eight years	No more than 1 litter within 12 months	Yes
Wirehaired Vizsla Club of America	http://www.whvca.us/	Two years of age	Eight years	No more than 2 out of 3 consecutive cycles. No more than 6 litters in her lifetime.	Yes
Yorkshire Terrier Club of America, Inc.	http://www.ytca.org/	18 months of age or the bitch's second heat		Tells breeders to make healthy spacing between litters a priority and to protect unspayed bitches from unplanned matings.	Yes

Exhibit I-1

APHIS Inspection Report for
Pee Vine Kennels

United States Department of Agriculture
Animal and Plant Health Inspection Service

JLIES
337131500320671 insp_id

Inspection Report

Fedler Ag Inc.
Pee Vine Kennels
2294 162nd Street
West Point, IA 52656

Customer ID: **23282**
Certificate: **42-A-1428**
Site: 001
FEDLER AG INC

Type: ROUTINE INSPECTION
Date: Dec-03-2013

2.40 (b) (2) **REPEAT DIRECT NCI**

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

** A four year old, white, female, Bichon Frise, had a pad caught on the flooring, and the dog aborted her puppies. The dog had shallow breathing, was shivering and had pale, tacky gums and lathargic. This can be signs that the dog is in distress. The dog needs to be evaluated by a veterinarian to determine if treatment is necessary. All dealers must use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. To be corrected by: 12-03-13.

Note: This inspection was stopped so that the owner could provide veterinary attention to the dog.

End of report.

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Dec-03-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Dec-03-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-2

APHIS Inspection Report for
Rocky Creek Kochs

United States Department of Agriculture
Animal and Plant Health Inspection Service

BHICKS
107142052003287 insp_id

Inspection Report

Angelia Kochs
1903 State Hwy A C
Niangua, MO 65713

Customer ID: **29769**
Certificate: **43-A-5611**
Site: 001
ANGELIA KOCHS

Type: ROUTINE INSPECTION
Date: May-01-2014

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)

***In the outdoor facility, there was a male Maltese identified as Prince Lewie #108.561.551 that had no weight bearing on the right front leg. Upon further observation, in between the digits, the tissue was swollen and red with a darkened area in the center. The facility representative stated that this problem had been noted this morning during walk through and would be treated with medication today. According to the program of veterinary care there is no treatment plan from the attending veterinarian for this type of issue. Limited weight bearing or non-weight bearing limbs are an indication of discomfort, pain, injury or disease and increase the risks of further deterioration if not properly diagnosed and treated or left if left unattended. The licensee must have this animal evaluated by a licensed veterinarian for appropriate diagnosis by May 6, 2014 and treat as directed.

***In the outdoor facility, there was a female French Bulldog identified as Sara Jo #041.366.568 that was walking cautiously inside the enclosure. Some of the toenails were wrapping around the wire flooring and turning the toe digits in an abnormal manner as pressure was applied. The facility representative trimmed the toenails during the inspection. Long toenails can cause discomfort or pain and can lead to injury if left unattended.

***In the medication ready to use storage area, there was a bottle of Vetericyn that expired 02/14. Expired medications may not produce the desired result. The licensee must remove this medication from the ready to use medication storage and assure that all medications used on regulated animals is within the manufacturer's expiration date.
The licensee must assure that all animals receive adequate veterinary care as required.

This inspection began at 0903.
The inspection and exit conference were conducted with the facility representative.

Prepared By: [redacted] BEVERLY HICKS, A.C.I.

BEVERLY HICKS, A.C.I. | USDA, APHIS, Animal Care | **Date:**
Title: ANIMAL CARE INSPECTOR | Inspector 5051 | May-02-2014

Received By: [redacted] (b)(6),(b)(7)(c)

Title: | **Date:** May-02-2014

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

End of report.

Prepared By:	BEVERLY HICKS, A.C.I.		
	BEVERLY HICKS, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5051	May-02-2014
Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			May-02-2014

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-3

APHIS Inspection Report for
Doris & Jay Kragt

Inspection Report

DORIS KRAGT
JAY KRAGT

Customer ID: **40806**
Certificate: **42-A-1302**
Site: 001
KRAGT

2931 GARFIELD AVE

ROCK VALLEY, IA 51247

Type: ROUTINE INSPECTION
Date: Oct-29-2012

3.1 (c) (1) **REPEAT**

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.

All of the primary enclosures within the adult dog kennel have severely chewed and/or worn plastic support posts within the outside runs. The amount of chewing and wear on the posts varies throughout the kennel. The majority of the posts have a significant amount of grime and debris embedded in the chewed areas. There are 23 dogs within this part of the facility. The chewed areas cannot be readily cleaned and sanitized, which can lead to disease hazards for the dogs. The surfaces of housing facilities 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.

3.2 (d) **REPEAT**

INDOOR HOUSING FACILITIES.

(d) Interior surfaces. The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels)

The whelping room, housing 2 adult dogs and 5 puppies, is an older wooden building. Portions of the walls, ceiling, and floor are not impervious to moisture. The ceiling tiles above the cage with the puppies are water stained. In some places, the walls have been covered with material that is impervious to moisture, but there are still areas that have not been repaired. The concrete flooring is not sealed and is old and porous with large cracks. Areas that are not impervious to moisture can hold moisture, bacteria, and other microorganisms which can lead to disease hazards for the animals. The floors and walls of indoor housing facilities must be made impervious to moisture. The ceilings of indoor housing facilities must be made impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

Prepared By: HEATHER COLE, V M O
HEATHER COLE, D.V.M USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER Inspector 6026
Date: Oct-30-2012

Received By: (b)(6),(b)(7)(c)
Title:
Date: Oct-30-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

3.6 (a) (2) (x)

PRIMARY ENCLOSURES.

(2) Primary enclosures must be constructed and maintained so that they: (x) Have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor;

On the East side of the outdoor portion of the adult housing building, the first cage on the South end of the building has a large gap in the floor. The gap surrounds a large PVC pipe on the edge of the enclosure and is approximately 5-6 inches in size. The gap is large enough for one of the dogs legs to pass through the floor. There are 3 dogs in this enclosure. Large gaps in the floor could lead to animal injury. The gap in the floor must be repaired so the dogs' feet and legs are protected from injury and so the dogs' feet and legs are not allowed to pass through any openings in the floor.

To be corrected by: November 12, 2012

3.11 (b) (2) **REPEAT**

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(b) Sanitization of primary enclosures and food and water receptacles. (2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

All of the outdoor runs within the adult dog building have varying amounts of a thick layer of dark brown/black grime on the walls, dog doors, and support posts of the primary enclosure. Inside of the adult dog building, all of the enclosures have varying degrees of hair, dust, dirt and/or debris on the front gates of the primary enclosures and a thick layer of dark brown/black grime on the dog doors. There is a layer of dust and hair on the wire panels on top of the primary enclosures within the adult dog building. There are 23 dogs within the adult dog building. Within the whelping room, the cage on the right, housing 5 puppies, has a build-up of old feces on the floor of the primary enclosure. In some areas, the feces is completely caked into the grill type flooring. On the same enclosure, there is a build-up of hair, dust, dirt and/or debris on the front gates of the enclosure. Failure to clean and sanitize primary enclosures can lead to disease hazards for the dogs. All used primary enclosures need to be spot-cleaned daily and sanitized at least once every two weeks to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

Records not inspected at this time.

Inspection and exit interview conducted with the owner, a representative from IDALS and Heather Cole, AC VMO.

Prepared By:	HEATHER COLE, V M O	
	HEATHER COLE, D.V.M USDA, APHIS, Animal Care	**Date:**
Title:	VETERINARY MEDICAL OFFICER Inspector 6026	Oct-30-2012
Received By:	(b)(6),(b)(7)(c)	
		Date:
Title:		Oct-30-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-4

APHIS Inspection Report for
Joseph & Rhoda Graber

Inspection Report

JOSEPH GRABER
RHODA GRABER

Customer ID: **19937**
Certificate: **32-A-0350**
Site: 001
JOSEPH GRABER

9258 E 875 N

ODON, IN 47562

Type: ROUTINE INSPECTION
Date: Aug-21-2012

2.40 (b) (2) **REPEAT DIRECT NCI**

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,

At the time of inspection there was a female Bernese Mountain Dog dob: 6/20/12 that had a front right paw where bones were protruding through the skin, and muscle was easily visible. The dogs left paw also had similar problems. The dog was whimpering on the floor of the enclosure and unable to move. The licensee said that the dog had broken both its front paws on 8/16/12, 5 days earlier. They were unsure as to how this had happened. The attending vet was out to the facility to check on puppies the next day, but was not asked to look at this puppy. As the licensee's son lifted the dog for me to see it better, it cried out in pain, and was in obvious distress. The licensee was called and came home from work, whereupon he was told that the dog needed to be seen immediatley. The attending vet did show up while the inspector was there to euthanize the dog. When asked why the vet hadn't seen it on Friday when he was out the licensee stated that they just hadn't thought about it, and had been giving the dog some steroids to help with the pain.

There was also a female shih-tzu # 283 that was brown and white that was in its enclosure licking its lips constantly. On further examination, the dogs rear cheek teeth and front canines were both covered in a thick layer of a brown and green crusty substance. The licensee's son stated that they were planning on euthanizing the dog after it gave birth and weaned the pups. There was no evidence that the dog had been seen by the attending vet prior to this inspection. During the writeup of this inspection the attending vet did show up, and determined that the dog would need dental work and a tooth pulled, but left without doing the procedure.

A cavelier spaniel female #107 was observed to have a thick black discharge from both ears that encrusted the interior and exterior hair with a black substance. The interior of the ear had more dischage and was red, painful and irritated. The attending vet proscribed treatment for the dog,while he was there prior to seeing the dog. So it is unsure as to if a proper diagnoses and treatment was made.

Also there are between 10-15 dogs in the rear kennel that have nails so long that they are bending sideways as the dog stands. These long nails can easily get caught in the flooring of the kennel and cause

Prepared By:	ELIZABETH TAYLOR, ACI		
	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Aug-21-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

the nail to be ripped off.

All of these animals need to be seen by the attending veternarian and treated as per the vet's instructions. A good working relationship between the attending vet and the licensee is necessary so that animals are treated and their health and well being are maintained. Proper medical treatment will result in healthier dogs, and less medical problems.

2.40 (b) (3) **DIRECT NCI**

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:
(3) 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; 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;

During this inspection, there were multiple dogs having severe veterinary care issues that the licensee had either not noticed on their own, or had not had seen by the attending vet in a timley manner
A Bernese mountain dog puppy was injured 5 days prior to this inspection. The licensee determined that it had broken both of its front legs and was treating it with a steroid shot. The puppy was observed to have muscle and broken bones exposed on both front paws. The puppy was sitting in its enclosure unable to move and whimpering in pain. Even though the attending vet visited the day after the injury happened, the licensee did not have the vet look at the puppy. When this dog was noticed, the licensee was told he needed to have the vet out immediatley to see this dog. The vet did come to the facility with in 30 mintues and the puppy was euthanized.

There was also a red & white female king charles cavelier spaniel that had a black substance leaking from both ears. It had been coming out long enough that one entire ear was covered with the black substance. The ear on closer examination was red & raw inside. The licensee had not noticed this dog had a problem until it was pointed out by the inspector.

There was a female shih-tzu that had an extreme buildup of brown and green substances on all of her teeth. The licensee knew that she had problems, and had planned on euthanizing her after she had puppies, but had never had her seen by the attending vet.

There were also 10-15 dogs that had extremly long nails to the point that the curled sideways as the dog was standing. The licensee had not noticed that these nails were so long, even though on the last inspection he was cited for having a dog with long nails that had gotten them caught in flooring and had ripped one off.

Veterinary care problems need to be addressed in a timley manner and observed when they occur. Failing to get treatment for a dog that is suffering and in pain prolongs its suffering. Daily observation needs to occur every day and the vet notified of any changes in an animals health so that they can be treated appropriatley and the possibility of pain and suffering is avoided.

Prepared By:	ELIZABETH TAYLOR, ACI		
	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Aug-21-2012

Inspection Report

Correct by: Immediatley

2.50 (a) (2)

TIME AND METHOD OF IDENTIFICATION.

(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.

Currently there are 3 huskies, 2 bassets and 5 bernese mt dog puppies that are over 8wks of age, and are not being maintained as a litter. None of these puppies are being identified with any type of cage card, tag, microchip, or collar. The licensee has the microchips for the puppies but has yet to microchip the dogs. As a result they cannot be identified easily and cannot be individually identified as needed for medical records or sales.

All puppies that are not maintained as a litter and are not identified on a cage card need to have some type of identification so that the dogs can be readily identified and tracked. This will help ensure that proper paperwork is being kept and the animals can be followed through from birth to sale.

Correct by: August 28, 2012

3.1 (c) (1) (i) **REPEAT**

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
Currently multiple metal panels used to construct the primary enclosure doors and walls are starting to rust. In a few sections where the metal was painted the paint is flaking off to expose rust underneath. The licensee knew that something probaly needed to be done about the rust but as of this inspection had not started doing anything to correct the problem. These areas need to be replaced or made water proof again so that they can be properly cleaned and sanitized. Allowing rust in the kennel does not allow for a good through cleaning in case of a disease outbreak. This will help ensure the health and well-being of the dogs.

3.11 (b) **REPEAT**

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

(b) Sanitization of primary enclosures and food and water receptacles. (1) Used primary enclosures and

Prepared By:	ELIZABETH TAYLOR, ACI		
	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			Aug-21-2012

Inspection Report

food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (b)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:

(i) Live steam under pressure;

(ii) Washing with hot water (at least 180 [deg]F (82.2 [deg]C)) and soap or detergent, as with a mechanical cage washer; or

(iii) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse.

Currently there is still a heavy buildup of a brown substance on the walls of the primary enclosures of both buildings. This buildup can easily be scraped off with a fingernail. The licensee states that they are currently using equine suds and chlorahexadine and a pressure washer to clean with. The buildup of organic material needs to be cleaned away prior to using the chlorahexadine to acheive true sanitizing.
It was also said that the whelping boxes are only sanitized when the dogs are switched out of them. These also need to be cleaned and sanitized at a minimum of every 2 weeks to ensure that a clean environment is avilable to raise puppies in. The feeders also need to be sanitized thoughout the entire kennel on a 2 week basis to ensure that there does not become a heavy buildup of material and that the food that is in them remains palatable.

There is also a heavy layer of dust on the top of the primary enclosures in the old building. The licensee is planning on replacing these enclosures, but untill that happens they need to be cleaned on a regular basis so that the kennel remains free of dirt and possibly disease hazards

This inspection was conducted with the licensee & his son. Exit interview was conducted with the licensee, licensee's wife & undersigned inspector.

Prepared By:	ELIZABETH TAYLOR, ACI		
	ELIZABETH TAYLOR, ACI	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 6004	Aug-21-2012
Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			Aug-21-2012

Exhibit I-5

APHIS Inspection Report for
Debra Pratt

Inspection Report

Debra Pratt

Customer ID: **321436**
Certificate: **42-A-1399**
Site: 001
Debra Pratt

2825 - 120th St.

NEW SHARON, IA 50207

Type: ROUTINE INSPECTION
Date: Oct-02-2012

2.40 (b) (2) **DIRECT NCI**

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;

** 1 Dachshund microchip number 043008066 had greenish pus like substance in both eyes. The area around the eyes had brownish crusted matter around the eyes and raw areas from the dog scratching at the eyes. The greenish substance in the eyes and the crusted irritated areas around the eyes could be a sign of injury, and/or disease and can be painful for the animal.

** 1 Pug microchip number 108559272 had an abnormal left eye. The eye had a brownish growth on the eye. The abnormal eye with a growth on the eye can be a sign of injury and/or disease and can be painful for the animal.

The dogs need to be evaluated by a veterinarian to determine if treatment is needed. All dealers must use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. To be corrected by: 10-05-12.

2.50 (a) (2) **REPEAT**

TIME AND METHOD OF IDENTIFICATION.

Sec. 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:

** No fewer then 50 puppies did not have proper identification at the time of the inspection. Proper identification is required by the USDA to aid in the proper tracking and identification of animals. All puppies must be properly identified, If puppies are kept as a litter then a cage card can be used. The cage card must have the puppies individual identification number (not to be repeated in five years), the sex, date of birth, breed type, and brief description. If litters are mixed then the identification must be on each

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Oct-03-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Oct-03-2012

individual puppy. All dealers must properly identify all live dogs on the premises to include puppies to aid the USDA in the proper tracking and identification of animals.

3.1 (f)

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 back flow 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 mopped up so that the animals stay dry.

** The sundowner type building on the south side of the facility housing no fewer then 50 animals had the animal waste from the wash downs collecting into plastic containers at the end of the building. The plastic containers and the ground around the containers contained animal waste and standing water that can contribute to odors, pest, and disease hazards. The containers need to be emptied daily to reduce odors, pest and disease hazards. To be corrected by: 10-05-12.

** The sundowner type building on the north side of the facility housing no fewer then 50 animals did not have a drainage system. The animal waste from the wash downs is draining onto the ground around the building. The area around the building had an accumulation of animal waste and standing water. The animal waste and standing water can contribute to odors, pest, and disease hazards. A collection and drainage system needs to be constructed to eliminate the waste and runoff from around the building. To be corrected by: 05-01-13.

Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. 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.

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;

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Oct-03-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Oct-03-2012

Inspection Report

** No fewer then 3 enclosures housing 3 dogs each, inside of the sundowner type building on the south side of the facility had holes in the elevated flooring next to the partitions dividing the enclosures. The holes that have rusted through 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. All flooring must be constructed in a manner that protects the dogs feet and legs from possible injury. To be corrected by: 10-15-12.

3.11 (a)

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.

** The sundowner type building to the north of the facility housing no fewer then 50 animals is not being properly cleaned. The supports and the flooring under the enclosures had an accumulation of animal waste and hair on the supports and hanging from the flooring. The wash downs had an accumulation of animal waste and residue on the surfaces. One enclosure had an accumulation of more then a days worth the feces inside of the outside part of the enclosure. The outside part of the enclosure was on the second tier of enclosures and the second enclosure from the east on the north side. This part of the enclosure was not accessible and could not be photographed for inspection purposes. The accumulation of animal waste, hair and feces contributes to odors, pest and disease hazards. The enclosures and under the enclosures need to be cleaned to remove excreta and food waste to reduce odors, pest and disease hazards. The north side of the building may need to be modified so the outside of the enclosures are easily accessible to allow for proper cleaning, maintenance, and inspection. All enclosures must be spot cleaned daily and from under the enclosures as often as necessary to prevent the accumulation of feces and food waste to reduce odors, pest and disease hazards. To be corrected by: 10-04-12.

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.

** The sundowner type building on the south side of the facility housing no fewer then 50 animals had a large population of flies inside of the building. The flies can carry disease and contaminate the food for the animals inside of the building. The owner needs to establish a pest control program to help reduce the number of flies and other pest that can carry disease and contaminate food and animal areas. An effective pest control program must be established and maintained to control insects, external parasites, birds and mammals that are pest to promote the health and well-being of the animals. To be corrected by: 10-31-

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Oct-03-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Oct-03-2012

Inspection Report

12.

This inspection and exit briefing conducted with the owner.

End of report.

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Oct-03-2012
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Oct-03-2012

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-6

APHIS Inspection Report for
Kenneth & Leatrice McGuire

Inspection Report

KENNETH MC GUIRE
LEATRICE MC GUIRE

Customer ID: **13174**
Certificate: **42-A-0830**
Site: 001
LEATRICE & KENNETH MCGUIRE

1525 310TH STREET

NORTH ENGLISH, IA 52316

Type: ROUTINE INSPECTION
Date: Mar-12-2013

2.40 (b) (2) **REPEAT DIRECT NCI**

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;

** One five year old male Yorkshire Terrier micro-chip #086546529, had a gray/brown build up on the canine and cheek teeth to the point that the buildup is encasing the teeth and the gums are red and swollen. The owner needs to have the dog evaluated by a veterinarian to determine if treatment is necessary to prevent possible dental disease. The owner also needs to develop a dental prevention program for the kennel to prevent future dental problems with the dogs in the kennel and to contribute to the health and well-being of the animals. The dog also had hair matting around to face area that needs to be removed. Hair matting can harbor moisture, dirt, feces and harmful bacteria which can cause skin problems and other health problems. The dog need to have the hair mats removed and a healthy hair coat maintained to contribute to the health and well-being of the animals.

** One three year old Dachshund micro-chip #0A0169445. Inside the lower half of the right eye contained a red substance and the white of the eye had visible blood vessels. The dog needs to be evaluated by a veterinarian to determine if treatment is necessary by 03-14-13.

** One six year old Bichon Frise micro-chip #093806372, had a gray/brown build up on the canine and cheek teeth to the point that the buildup is encasing the teeth and the gums are red and swollen. The owner needs to have the dog evaluated by a veterinarian to determine if treatment is necessary to prevent possible dental disease. The owner also needs to develop a dental prevention program for the kennel to prevent future dental problems with the dogs in the kennel and to contribute to the health and well-being of the animals.

All dealers must use appropriate methods to prevent, control, and treat disease and injuries.

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Mar-12-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Mar-12-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

3.1 (c) (3) **REPEAT**

HOUSING FACILITIES, GENERAL.

Cleaning. Hard surfaces with which the dogs 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 surfaces in the primary enclosures on the inside of the indoor/outdoor building (sundowner type) housing approximately forty dogs had a build up of animal waste, oils, or other residues. There continues to be a build up of dirt on the surfaces inside of the sundowner type building. The flooring inside of the enclosures inside of the whelping area had a build up of feces caught on the flooring and under the flooring. This does not provide for the health and well being of the dogs and does not demonstrate proper husbandry practices which can contribute to disease hazards, odors and pest. The enclosures and general surfaces need to be cleaned and sanitized to remove excreta residue and dirt.

Surfaces must be spot cleaned daily and sanitized at least every 2 weeks to include feeders and whelping boxes and more often if necessary and maintained routinely. All other surfaces must be cleaned and sanitized as often as necessary to satisfy generally accepted husbandry practices.

3.1 (f)

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.

** Two enclosures containing two dogs each inside on the bottom of the two level indoor/outdoor building had waste from the wash down above them running down the back wall of the enclosure. This waste is contaminating the enclosure and can be a disease risk. The drainage system needs to be repaired or the dogs need to be moved to an enclosure that is not being contaminated from the drainage system. All drainage and waste disposal must minimize contamination to reduce disease hazards to provide for the health and well-being of the animals. To be corrected by: 03-13-13.

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Mar-12-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Mar-12-2013

Inspection Report

3.6 (a) (2) (x) **REPEAT DIRECT NCI**

PRIMARY ENCLOSURES.

Primary enclosures must be constructed and maintained so that they have floors that are constructed in a manner that protects the dogs' feet and legs from injury and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor;

** The flooring in the whelping area had two enclosures containing six dogs mothers with puppies with broken wire flooring that create sharp points that can cause injury to the dogs feet. The flooring needs to be repaired or replaced by 03-14-13, so that it protects the dogs feet from injury.

** The wire flooring in the whelping area, three enclosures containing eight puppies had wire large enough that it allowed the puppies feet to fall through the openings in the floor. This can cause injury to the puppies feet or legs. The flooring needs to be replaced or modified so that the legs and feet do not pass through any openings in the flooring.

All floors must be constructed and maintained in a manner that protects the dogs' feet and legs from injury.

This inspection and exit briefing conducted with the owner, John Lies, ACI and Heather Cole VMO.

End of report.

Prepared By:	JOHN LIES, A.C.I.		
	JOHN J LIES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 4041	Mar-12-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Mar-12-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-7

APHIS Inspection Report for
Pat Crabtree

Inspection Report

Pat Crabtree
1525 RD O
SAINT FRANCIS, KS 67756

Customer ID: **16834**
Certificate: **48-A-1641**
Site: 002
PAT CRABTREE

Type: ROUTINE INSPECTION
Date: Apr-02-2013

2.40 (b) (2) **DIRECT NCI**

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

2.40 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;

The following dogs need to be evaluated by the veterinarian:

Female, black and tan Yorkshire terrier with number 077 045 886 has a buildup of brown material coating the upper cheek teeth (premolars) and the upper half of the upper canine teeth. The roots of the upper cheek teeth are visible on the right side and there is a creamy material along the gum line of these teeth. This dog was sitting very quietly in her enclosure when initially observed. These signs are consistent with dental disease. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal.
***
Male, white poodle with number 095 277 378 was observed to be limping on his right front leg. There is an area of swelling on top of the right front foot. The dog pulled his foot away when this area was touched. Limping can be caused by trauma, infection, joint issues and other medical problems and indicates pain. This dog also had brown material totally coating the cheek teeth and most of the canine teeth. The gums are red and recessed over the upper cheek teeth and canine teeth leaving some of the roots exposed. There is a creamy discharge at the gum line of some of the upper cheek teeth and the upper left canine tooth. These signs are consistent with dental disease. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal. This dog also had matted hair on his limbs. The mats were tight against the skin and were pulling at the skin. Matted coats can lead to infection, are painful and can inhibit the insulating properties of the coat. As part of the facility's program of veterinary care, the licensee must develop and follow a program of hair coat maintenance to ensure that animals are cleaned when their hair coats become soiled and that matted hair is removed on a regular basis.
***
Male, black and tan Yorkshire terrier with number 083 529 809 has a very heavy buildup of brown material on his upper cheek teeth. The gums are red and recessed away from the remaining cheek teeth

Prepared By:	CINDY RHODES, A.C.I.		
	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5047	Apr-03-2013
Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			Apr-03-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Inspection Report

causing the roots to be exposed. The dog s tongue was protruding from his mouth when he was first observed. Dental disease can cause damage to the gum tissue, teeth and mouth structures, be painful, and impact the ability of the dog to eat normally, affecting the overall health of the animal.

Female parti-colored Yorkshire terrier with number 941000014486657 was observed limping. As she walked around the enclosure, she would hold up her right rear leg for multiple steps before putting weight on it again. Limping can be caused by infection, trauma, joint issues, and other medical problems and indicates pain.

The licensee must have the above animals examined by a licensed veterinarian by end of the day on April 5, 2013 in order to ensure that an accurate diagnosis is obtained and that an appropriate treatment plan is developed and followed. The licensee must document the outcome of this consultation and make it available to the inspector upon request.

Female, brown, Chihuahua with number 016 050 874 has long toe nails. The toe nails of the right front foot are starting to curl under the foot. Long toe nails can change the way the animal walks and can be painful. As part of the facility's program of veterinary care, the licensee must develop and follow a program of toe nail maintenance.

To be corrected by: April 5, 2013

Male, cream colored Shih Tzu with number 033 278 550 has a matted coat. The mats are on all four limbs and on the hind quarters. The mats are tight and pull at the skin. Matted coats can lead to infection, are painful and can inhibit the insulating properties of the coat. As part of the facility's program of veterinary care, the licensee must develop and follow a program of hair coat maintenance to ensure that animals are cleaned when their hair coats become soiled and that matted hair is removed on a regular basis.

To be corrected by: April 5, 2013

There is a bottle of Clavamox suspension that has been reconstituted with no indication of when it was reconstituted or when it should be discarded. This medication was found intermingled with other medications in the refrigerator in the whelping building and is therefore considered ready for use. Medications that are used past their expiration date can experience spoilage or have reduced efficacy. This could lead to prolonged illness or suffering for the animals needing the drug. Ensure that all medications used in the facility are not expired and labeled properly in accordance with standard veterinary practices.

To be corrected by: April 4, 2013

Prepared By:	CINDY RHODES, A.C.I.		
	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5047	Apr-03-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Apr-03-2013

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There is a bottle of injectable Xylazine in the whelping building. The licensee stated this medication is used to sedate the animals for grooming but had no documentation showing written instructions from the attending veterinarian on its directions for appropriate use, the indications for its use, or precautions needed to be taken during its use. The licensee must ensure that all medications are used in a manner consistent with the provision of adequate veterinary care to protect the health of the animals and ensure drugs are used in an appropriate manner. The licensee must obtain written approval from their attending or prescribing veterinarian if they wish to continue to use xylazine to sedate dogs for grooming. This documentation must minimally contain information regarding indications for use, dosing instructions (route, concentration, dose, etc.), and guidance regarding appropriate monitoring and recovery of animals. All medications must be labeled and administered properly as part of the facility s programs of adequate veterinary care.

To be corrected by: April 11, 2013

2.50 (a) **REPEAT**

TIME AND METHOD OF IDENTIFICATION.

2.50 Time and method of identification. (a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises

Four dogs did not have proper identification found during the inspection: female, red and white English Bulldog in the sundowner building named Marley , female, brindle and white English Bulldog named Circus and female parti-colored Yorkshire terrier in the wharton building , and a female, black and white English Bulldog in the first enclosure to the west of the door on the lower level of the east side of the whelping building. Proper identification is essential for tracking movement of animals and to facilitate the inspection process. The licensee must identify all live dogs on the premises.

2.75 (a) (1) (i) **REPEAT**

RECORDS: DEALERS AND EXHIBITORS.

Sec. 2.75(a)(1)(i) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include; (i) The name and address of the person from whom a dog or cat was purchased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;

Of the 235 dogs listed on the Records of Animals on Hand forms, 84 did not have information regarding the source from which the animal was acquired. Complete and accurate records are required so that animals utilized in regulated activates can be properly identified and tracked. Maintain records or forms which fully an correctly disclose the required information to include name and address of the person from whom a dog was purchased or otherwise acquired.

Prepared By:	CINDY RHODES, A.C.I.		
	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
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Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			Apr-03-2013

Inspection Report

2.75 (a) (1) **REPEAT**

RECORDS: DEALERS AND EXHIBITORS.

2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor.

There were 6 animals observed during the inspection whose identification number could not be found on the Records of Animals on Hand forms. In addition, there is a female, red and white English Bulldog that is on the premises for breeding. This dog is owned by another licensee. This dog is not listed on the Records of Animals on Hand forms. Complete and accurate records are required so that animals utilized in regulated activates can be properly identified and tracked. Maintain records or forms that include required information concerning each animal purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control.

The disposition records are not complete for several dogs to include but limited to 5 dogs (1 Adult Bichon named Katie, 032-835-596 died 1/17/13; 1 Adult mixed Shi/Malt named Peanut, 9410001388678, died 2/16/13; 1 adult English Bulldog named Duece, 032-629-557; 1 Adult English Bulldog named Isabella, 043-693-321: 1 Adult English Bulldog named Lily, 043-258-369). The records did not list the complete date of disposition and did not list the method of disposition or was completely removed from the records. Records which fully and correctly disclose the required information regarding acquisition and disposition of regulated animals are necessary to accurately track animals utilized in regulated activities.
Make, keep, and maintain records which fully and correctly disclose all of the required information regarding acquisition and disposition of all animals.

3.1 (c) (1) **REPEAT**

HOUSING FACILITIES, GENERAL.

3.1 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.

Outside enclosure #2 housing 2 adult Bull dogs and enclosure #3 housing one adult Bull dog on the west side of the sundowner building has plastic material around the dog doors that is ripped and chewed leaving exposed wood that cannot be properly cleaned and sanitized.

Outside enclosure #5 on the east side of the whelping building has a large hole in the plastic material which does not allow for proper cleaning and sanitizing of the area and is to be replaced when worn.

Prepared By:	CINDY RHODES, A.C.I.		
	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
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			Date:
Title:			Apr-03-2013

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There are two rubber mats used on the floor of enclosures #3 housing 2 adult dogs and #5 housing two adult dogs in the whorton building The rubber surface of these mats is worn so that the underlying threads are visible and starting to fray. This makes the mats difficult to clean and sanitize. Surfaces that cannot be cleaned and sanitized can play a role in disease transmission.

Construct and maintain surfaces within the facility so that they can be properly cleaned and sanitized or removed, replaced when worn or soiled.

3.6 (a) (1) **REPEAT**

PRIMARY ENCLOSURES.

3.6 Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements: (a) General requirements. (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.

Outside Pen # 3 and Pen #4 on the west side of the gray building the dividing wall has detached and is bowing to one side. The bowed fence is not structurally sound and an animal could potentially push the fence and cause it to fall. Primary enclosure must be designed and constructed so that it is structurally sound and kept in good repair.

3.6 (a) (2) (i) **REPEAT**

PRIMARY ENCLOSURES.

3.6 Primary enclosures. Primary enclosures for dogs and cats must meet the following minimum requirements: (2) Primary enclosures must be constructed and maintained so that they: (i) Have no sharp points or edges that could injure the dogs and cats;

Outside enclosure #3 on the east side of the gray building housing 1 Adult Yorkshire terrier and 1 Adult Maltese has broken wires with sharp ends protruding downward from the top of the enclosure that could potentially injure the animals.

On the west side of the whorton building the last enclosure on the bottom along the south side the top of the enclosure has broken wires with large gaps and pointed edges that could potentially injure the animals.

Outside enclosure #3 housing 3 Poodles and enclosure #2 Housing 3 Australian shepherd on the east side of the sundowner building the fence between these pens is pulled away with sharp edges protruding that could potentially cause injuries to the animals.

Inside the whorton building enclosures # 1, #4, #5 and #6 has metal feeders with ripped sharp edges that could injure the animals.

Outside enclosure #2 housing 3 Australian shepherd on the east side of the sundowner building has a

Prepared By:	CINDY RHODES, A.C.I.		
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Received By:	(b)(6),(b)(7)(c)		
			Date:
Title:			Apr-03-2013

Inspection Report

long rebarb rods with sharp trangle near the end that is holding the dog door open. The angle in which the rebarb is lying on the door and the sharp edge could potentially cause an injury to the animals.

Outside on the east side upper enclosure #2 and #14 of the whelping building has long rebarb rods holding the dog doors open. The angle in which the rebarb is lying and the sharp edges could cause an eye injury or other types of injuries to the animals.

Construct and maintain enclosures so that they have no sharp points or edges that can injure the animals.

3.9 (b)

FEEDING.

3.9 Feeding. (b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in Sec. 3.11(b)(3) of this subpart.

There are 20 blue food receptacles with chewed edges in enclosures in the gray building. The chewed edges are deeply pitted. The chewed edges of the bowls show decrease in durability and are difficult to sanitize. When surfaces are not sanitized they can play a role in disease transmission. When bowls become worn or chewed to the point that they cannot be sanitized, they must be replaced. Provide durable water bowls without chewed edges that can be readily cleaned and sanitized.

To be corrected by 16 April 2013.

Inspection and exit briefing was conducted with licensee.

Prepared By:	CINDY RHODES, A.C.I.		
	CINDY RHODES, A.C.I.	USDA, APHIS, Animal Care	**Date:**
Title:	ANIMAL CARE INSPECTOR	Inspector 5047	Apr-03-2013
Received By:	(b)(6),(b)(7)(c)		**Date:**
Title:			Apr-03-2013

Inspection Report Explanation: http://www.aphis.usda.gov/animal_welfare/downloads/IR_Explanation.pdf

Exhibit I-8

Excerpts from APHIS Inspection
Report for Sharlette & John Tidwell

SUBJECT NAME:	Sharlette & John Tidwell
LICENSE/REGISTRATION #:	43-B-0441
9 CFR SECTION #:	2.40 (b) (1)
DESCRIPTION:	Surgical instruments-evidence that licensee does surgery
DATE:	1 December 2009
TIME:	10:50 am-12:45 pm
PHOTOGRAPHER:	Kate Ziegerer, VMO

(b)(6),(b)(7)(C)

12/2/10

GOVERNMENT EXHIBIT 15 Page 1 of 9

SUBJECT NAME:	Sharlette & John Tidwell
LICENSE/REGISTRATION #:	43-B-0441
9 CFR SECTION #:	2.40 (b) (1)
DESCRIPTION:	Surgical table & lights-evidence that licensee does surgery
DATE:	1 December 2009
TIME:	10:50 am-12:45 pm
PHOTOGRAPHER:	Kate Ziegerer, VMO

12/2/10

GOVERNMENT EXHIBIT 15 Page 5 of 9

Exhibit J

Economic Analysis of Veterinary Care for Rescued Dogs

Economic Impact of Enhanced Veterinary Care Requirements for Commercial Dog Breeders Regulated under the Animal Welfare Act[1]

Summary

Failure to provide adequate veterinary care under 9 C.F.R. § 2.40 is the most common type of Animal Welfare Act (AWA) violation committed by commercial dog breeders.[2] As discussed in Section IV.C of the Petition, the current veterinary care regulations place little emphasis on preventive care. As a result, each year Animal Care inspectors observe hundreds of incidences of dogs plagued by eye ailments, skin infections, dental disease, lameness, and other telltale signs of neglect. As elaborated on in the Petition, dogs—particularly adult breeding dogs—suffer in a chronic state of compromised welfare because the current regulations fail to require adequate care.

This economic analysis demonstrates that the proposed amendments to the veterinary care requirements under the AWA are unquestionably in the public interest in light of their modest cost to breeders, the enormous benefit to the welfare of breeding animals, and the cost-savings to consumers and animal welfare agencies. Furthermore, administration of the modestly priced preventive veterinary care proposed here could ultimately prove cost-effective to commercial dog breeders in those instances where it would prevent costlier-to-treat ailments from developing over time and enable breeders to avoid incurring penalties for certain common AWA violations.

This Petition proposes various modifications to the regulations to ensure proper veterinary care, including assessment of various breeding-related conditions during physical examinations, certifications of health prior to breeding, vaccinations, and other preventive screening for hereditary diseases. This is explained in more detail in Section IV.C of the Petition. Exhibit A contains the proposed regulatory language.

[1] This document was prepared by the ASPCA independently, and has been adapted for filing as part of the Petition.
[2] Gerald Rushin, APHIS Animal Care Stakeholder meeting, June 16, 2015.

Animal Welfare Costs of Lack of Adequate Veterinary Care

The Cost of Suffering

The prevalence of veterinary violations by dog breeders makes plain the failure of the current regulations to protect dogs. The ASPCA estimates that a minimum of thirty-four percent of all USDA licensed breeders have been cited for one or more veterinary care violation (see Table 2). It is further estimated that at least fifteen percent of licensed breeders have been cited for two or more veterinary care violations. Animal Care's Policy #3 recommends that a veterinarian visit the facility each year;[3] this recommendation stops far short of requiring that each animal be examined by a veterinarian annually. This regulatory shortcoming has large non-monetary costs for the welfare of dogs.

Table 1 shows a breakdown of veterinary care violations by type. The most commonly cited violations are for conditions such as excessive matting; eye, ear, and skin infections; and dental disease, all easily preventable with regular hands-on veterinary care which is currently not explicitly required by the regulations. As the Petition notes in Section IV.C.2, such a requirement would leave no doubt that preventive care is required. Note that the citation count does not account for the total number of animals impacted by each citation, which would be larger, as many citations involve multiple dogs and could, in fact, affect large numbers of dogs within a single facility receiving only a single citation for commonly found ailments.

Table 1: Veterinary Care Violations between April 28, 2010 and December 30, 2013 by Type[4]

Issue	Count of Issues Cited	Percent of All Inspection Reports and Warning Letters Citing Issue
Improper or Outdated Medication	455	23%
Eye Problems (Discharge, Cherry Eye, Cloudy Eye, or Similar)	442	22%
Dental Disease or Condition	438	22%
Mats in Fur	386	19%
Failure to Access Vet Care	329	16%
Nails (Too Long or Other Issue)	220	11%
Hair Loss	185	9%
Lameness	173	9%
Skin Problems	135	7%
Ear Problems	99	5%
Total of Inspection Reports and Warning Letters Issued During Sample Period*	2,014	-

*Note: Many breeders cited for multiple issues in a single Inspection Report or Warning Letter results in >100% total.

[3] Animal Care Resource Guide Policies, Policy #3. "The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate oversight of the facility's care and use of animals. APHIS recommends this visit occur at least annually."
[4] Based on issues cited in inspection reports and warning letters issued to licensed breeders between 4-28-2010 and 12-30-2013 available from the Animal Care Information Service Search Tool at https://acissearch.aphis.usda.gov and posted enforcement actions available at http://www.aphis.usda.gov/wps/portal/enforcementactions. This time period is estimated to capture a reasonable approximation of the number of licensed commercial breeders operating nationally and the likelihood of violations present at any given time based on an approximation of the time it may take to cycle through inspection of all active licensed commercial dog breeding facilities.

Table 2 shows the estimated number of dogs impacted by breeders who fail to provide adequate veterinary care. We estimate that approximately 102,221 adult dogs currently reside in the care of licensed commercial breeders. Of these, up to 35,017 dogs may be in the custody of breeders who have failed to provide adequate veterinary care, where many dogs could be suffering from multiple ailments. Nearly half of these dogs reside with breeders who have multiple veterinary care violations, further increasing the likelihood that even identified health issues have not been remedied and dogs may consistently be receiving little or no veterinary care for recognized illness or injury. These numbers demonstrate that amending the veterinary care requirements to emphasize preventive care could spare tens of thousands of animals from suffering. Note that, for purposes of this analysis, only the adult dog population, which resides permanently in the care of commercial breeders, has been included. The regular population of puppies dramatically increases the total number of animals suffering in the substandard conditions currently made possible by insufficient veterinary care provisions.

Table 2: Number of Dogs Impacted by Veterinary Care Violations

Est. Number of Active Licensed Commercial Dog Breeders[5]	Est. Number of Adult Dogs in Care of Active Breeders[6]	Est. % of Dog Breeders with 1 or More Veterinary Care Violations[7]	Est. Number of Adult Dogs in Care of Breeders with 1 or More Veterinary Care Violations[5,6]	Est. % of Dog Breeders with 2 or More Veterinary Care Violations[6]	Est. Number of Adult Dogs in Care of Breeders with 2 or More Veterinary Care Violations[5,6]
1,769	102,221	34%	35,017	15%	15,775

The Cost of Care to Welfare Groups

While assigning a dollar amount to the suffering of tens of thousands of dogs is a difficult task, calculating the cost to animal welfare organizations of taking responsibility for the suffering caused by breeders is much simpler. Because conditions and practices at commercial breeding facilities are currently under-regulated (as set forth in the Petition), animal shelters, humane societies, municipal animal care and control agencies, and larger communities must shoulder the costs of rescuing and treating animals removed from inhumane breeding facilities. The failures of the current regulations result in the transfer of these costs from seller to private or municipal animal care agencies or to end buyers without buyer consent. Individuals who buy puppies directly or indirectly from these breeders may abandon or relinquish to shelters puppies that become sick or exhibit significant behavioral problems.[8] Approximately 3.9 million dogs enter animal shelters nationwide every year, and each year approximately 1.2 million dogs are euthanized.[9]

A 2011 Humane Society of the United States (HSUS) study found that animal shelters and rescue groups with which the HSUS worked to help treat and place dogs rescued from inhumane, commercial breeding facilities spent an average of

[5] Based on report generated on May 27, 2015 from APHIS' Animal Care Information System Search Tool. Parameters: Advanced Search; Inspection Report Search; Selected Criteria Items: USDA Certificate Status: Active; Inspection Animal Categories: Dogs; Type of Licensee/Registrant: Breeder.

[6] Based on count of all adult dogs in care of licensed U.S. commercial breeders inspected between May 29, 2012 and May 5, 2015, with duplicate records removed, considered to be an accurate approximation of the total number of dogs in care for purposes of this analysis.

[7] Based on 9 C.F.R. § 2.40 and subcategory violations incurred by licensed breeders during routine inspections and pre-licensing inspections between 6-26-2012 and 5-26-2015, considered to be a reasonable sample for purposes of this analysis. Percentage estimate is based on 606 breeders with one or more reported violations and 273 breeders with more than one reported violation out of an estimated total of 1,769 breeders in operation during this period.

[8] Exhibit C to the Petition contains sample complaints the HSUS has received on this issue.

[9] Am. Soc'y for the Prevention of Cruelty to Animals ("ASPCA"), Pet Statistics, https://www.aspca.org/about-us/faq/pet-statistics (last visited Dec. 11, 2014).

$259 per dog for veterinary expenses as part of the rescue.[10] Table 3 below shows the cost of caring for dogs seized during two ASPCA puppy mill raids. The cost of veterinary care per dog ranged from $318 to $624. When added to the cost of sheltering and placing the dogs and the cost of deploying staff to assist in the seizure and care of the animals—a vitally necessary expense given that local animal welfare agencies often do not have sufficient resources to handle the seizure and care of large numbers of animals on their own—the expense to animal welfare organizations comes to between $1,446 and $3,894 per animal.

Amending the veterinary care requirements to require thorough and regular hands-on veterinary exams would help prevent many of these problems and would reduce the costs to charitable organizations and taxpayer-funded municipal agencies.

Table 3: Cost of Care for Animals Rescued from Puppy Mills during Two ASPCA Raids

Number of Dogs per Case	Cost of Shelter Supplies	Cost of Veterinary Care	Cost of Physical Deployment	Total Expenses	Cost per Animal	Cost per Day	Cost per Animal, per Day
138	$44,205	$ 86,044	$407,154	$537,403	$3,894	$3,583	$ 26
184	$31,703	$ 58,670	$175,728	$266,101	$1,446	$6,336	$34

The Cost to Consumers

As discussed in the Petition, in addition to causing prolonged suffering to dogs in commercial breeding facilities, the inadequate veterinary care made possible by the current insufficient regulatory environment creates costly externalities that members of the public who purchase puppies or dogs from breeders are forced to bear, almost always without their prior knowledge or consent to absorb such costs. Consumers bear additional non-monetary externalities in the form of emotional suffering when the puppies and dogs they have welcomed into their homes as beloved companions become sick or die.

While compiling an exhaustive estimate of the potential costs incurred by consumers to treat common ailments associated with commercially-bred dogs would be extremely difficult given the variety of ailments and corresponding treatments (from medication and supportive care to surgery) and the variability of pricing among veterinary providers, the ASPCA is able to estimate the cost to individual dog owners for some of the most commonly seen hereditary defects in popular dog breeds. In breeds such as Labrador and Golden Retrievers, English Bulldogs, and Rottweilers, all of which are at an increased genetic risk for hip dysplasia, surgery to correct the condition can cost between $4,400 and $4,700.[11] In other common breeds, such as English and French Bulldogs, Boxers, and Pugs, a condition called Brachycephalic Airway Obstruction Syndrome (BAOS), which affects the respiratory system, can necessitate surgery ranging in cost between $500 and $1,000.[12] Breeds such as Yorkshire Terriers and Miniature or Toy Poodles are at increased risk of medial patellar luxation, for which surgery to correct can range from $1,200 to $2,500.[13]

[10] Humane Soc'y, Veterinary Problems in Puppy Mill Dogs (2012), http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/veterinary_problems_puppy_mills.pdf.
[11] The Ohio State University Veterinary Medical Center's Hospital for Companion Animals (http://vet.osu.edu/vmc/companion/our-services/orthopedic-surgery/faq-total-hip-replacement).
[12] Price stated for soft palate or stenotic nare resection by private veterinarian for Embrace pet insurance (http://www.embracepetinsurance.com/health/brachycephalic-syndrome).
[13] Price range estimated for surgery to correct Medial Patellar Luxation (MPL) by private veterinary provider TopDog Health & Rehabilitation (http://www.topdoghealth.com/library/orthopedic-surgery/articles-surgery/stifle-mpl/#two).

Because all of these breeds are listed among the American Kennel Club's most popular dog breeds in America,[14] incentive for commercial dog breeders to produce them is high. Failure to provide adequate preventive veterinary care and screening of breeding stock in the form of an annual hands-on veterinary exam further increases the risk that these genetic defects will be passed on to future generations of dogs and require treatment by the consumers who purchase them. Other costs likely to be borne by customers of commercial breeders resulting from inadequate preventive care include contagious disease, such as parvovirus or canine distemper, or parasitic infection, such as giardiasis or coccidiosis – both zoonotic diseases transmissible to humans. These can easily cost dog owners hundreds or even thousands of dollars to treat, with no guarantee that dogs will survive, even with treatment.

Cost of Increased Veterinary Care for Licensed Breeders Has Negligible Impact on Breeders' Bottom Lines

Adult breeding dogs are the primary victims of lack of adequate veterinary care and the subject of 9 C.F.R. § 2.40 violations because they have no economic value beyond their ability to produce puppies. For this reason, this analysis estimates the incremental costs of proposed veterinary care improvements based on the number of breeding dogs in the care of licensed breeders. Table 4 below estimates the average number of dogs in the care of a typical commercial breeder and the approximate incremental cost that would be expected based on these proposed regulatory revisions.[15] It is important to note, though, that for those commercial breeders already providing a high standard of care for the dogs in their charge, including an annual physical exam and adequate preventive care, it is entirely possible that no incremental cost at all would be incurred, as they may already be operating well above the standards required by this proposal.

Table 4: Estimated Incremental Vet Costs

Incremental Annual Cost of Proposed New Regulations per Breeder	
Est. Number of Active Licensed Commercial Dog Breeders	1,769
Est. Number of Adult Dogs in Care of Active Breeders	102,221
Est. Number of Adult Dogs in Care per Breeder	58
Est. Cost of Hands-on Physical Exam & Add'l. Preventive Care per Adult Dog	$100
Est. Incremental Annual Cost for Vet Care per Breeder	$5,800

[14] AKC News "Most Popular Dog Breeds in America," by Stephen Smith, Feb. 26, 2015 (http://www.akc.org/news/the-most-popular-dog-breeds-in-america/).

[15] Based on estimated cost of $100 per dog for a house-call visit by a private practice veterinarian performing a hands-on physical exam and administering any additional care required per proposed new regulatory language. Assumes small (<25%) discount versus flat retail rates for house-call fees, vaccinations, and medications due to volume of dogs estimated in care of each breeder and associated cost savings of volume-based pricing and all dogs being housed on a single premises.

As shown in Table 5 below, the estimated annual revenues of commercial dog breeders maintaining an average of 58 dogs on their premises[16] more than offset any incremental costs that may be incurred by those not currently providing adequate veterinary care for their dogs. Because maximizing profit is a goal inherent in the operation of a commercial breeding facility, and because only female dogs bear litters that can be sold, we conservatively estimate that breeders maintain a roughly 3:1 ratio of females to males in their operations, or an estimated 44 adult female dogs per breeder. If we assume that each adult female is bred twice per year, with approximately 1.5 of those breedings resulting in a viable litter averaging 6 pups, and that each pup can be sold at wholesale for approximately $200 or at retail for roughly $1,200 apiece, the economics of commercial breeding appear quite sound. While litter size and wholesale and retail values may vary, with larger breeds being capable of producing litters of 10 or more pups and retail sale prices for highly desirable breeds ranging $1,500 to $3,000 or more apiece, we believe these to be reasonable estimates, and submit that the average commercial breeder will see an insignificant portion of total annual revenue go toward complying with these improved standards of care.

Table 5: Estimated Revenues per Breeder

Est. Annual Revenue of Avg. Commercial Dog Breeding Facility	
Est. Number of Adult Female Dogs per Breeder[17]	44
Est. Number of Annual Breedings per Female Dog	2
Est. Number of Viable Litters per Year	1.5
Est. Number of Pups per Litter	6
Est. Sale Price per Pup (Wholesale - Retail)	$200 - $1,200
Est. Annual Revenue per Breeder	$79,200 - $475,200

Cost of Veterinary Care Violations to Breeders

Breeders face significant costs in the form of penalties for veterinary care violations, in part because, as the Petition notes, it is not clear what exactly is required under the current standards. Since many of these violations relate to conditions easily preventable with regular hands-on veterinary care, clearer, enhanced veterinary requirements could result in cost savings to breeders, particularly given that the average penalty amount, per Table 6, below, approximates the estimated incremental vet care cost of $5,800 per facility previously cited. A review of all stipulation agreements containing veterinary care violations under 9 C.F.R. § 2.40 issued between January 2012 and May 2015 shows an average penalty amount of $4,764. While it is true that commercial breeders providing a high standard of care for the dogs in their charge will not likely incur any penalties for veterinary violation, it is also likely that they are already providing care

[16] Calculation based on previously cited figures in Table 2: 102,221 dogs/1,769 licensed breeders yields an average of 58 dogs per breeder.
[17] Based on assumption that 75% of dogs in care of commercial breeders are adult females, so 58 total adult dogs * 0.75 = 44 females.

that meets or exceeds these minimum recommended standards and will therefore bear no additional incremental costs to their operations.

Table 6: Cost of 9 C.F.R. § 2.40 Stipulation Penalties Issued by APHIS between January 2012 and May 2015

Summary of Penalties Assessed for Veterinary Care Violations	
Sum of Penalties Issued	$209,606
Minimum Penalty Issued	$321
Maximum Penalty Issued	$37,893
Average Penalty Issued	$4,764

Conclusion

The suffering of breeding dogs, the cost of veterinary treatment and care unfairly imposed on consumers and animal welfare organizations, and the cost of veterinary care penalties to breeders wholly eclipse the relatively minor incremental cost to breeders resulting from the proposed veterinary care regulations recommended in this petition. The prevalence of 9 C.F.R. § 2.40 citations underscores the failure of the currently regulatory scheme to protect dogs. A shift toward regulations that emphasize preventive care will result in cost savings to consumers and welfare groups without substantially affecting breeder revenues. Most importantly, these changes will reduce the suffering of vulnerable dogs. This cost-benefit analysis clearly establishes that the proposed regulatory changes are in the public interest.

Exhibit K

Public Memorandum from ASPCA Regarding
USDA Commercial Breeder Requirements

TO: Interested Parties
CC: ASPCA
FROM: Edge Research
RE: Research on USDA Requirements for Commercial Dog Breeders
DATE: May 15, 2013

Findings from a recent survey of 1,000 adults nationwide,[i] indicate that Americans have confidence that USDA-licensed commercial dog breeders treat their dogs humanely, but the public's definition of "humane" treatment differs significantly from existing federal USDA requirements. This disconnect indicates that consumers may take false reassurance from knowledge that a particular breeder is USDA certified.

- **Seventy-one percent (71%) of Americans are confident that commercial dog breeders licensed by the USDA treat their dogs humanely (26% extremely/very confident, 45% somewhat confident).[ii]**
  - Confidence levels are the same for pet owners and non-pet owners (72% and 71%, respectively).

- **However, the public's definition of humane treatment of dogs in commercial breeding facilities differs in many ways from that of the USDA—majorities felt each tested practice was "absolutely necessary for a breeder to be considered humane".[iii]**

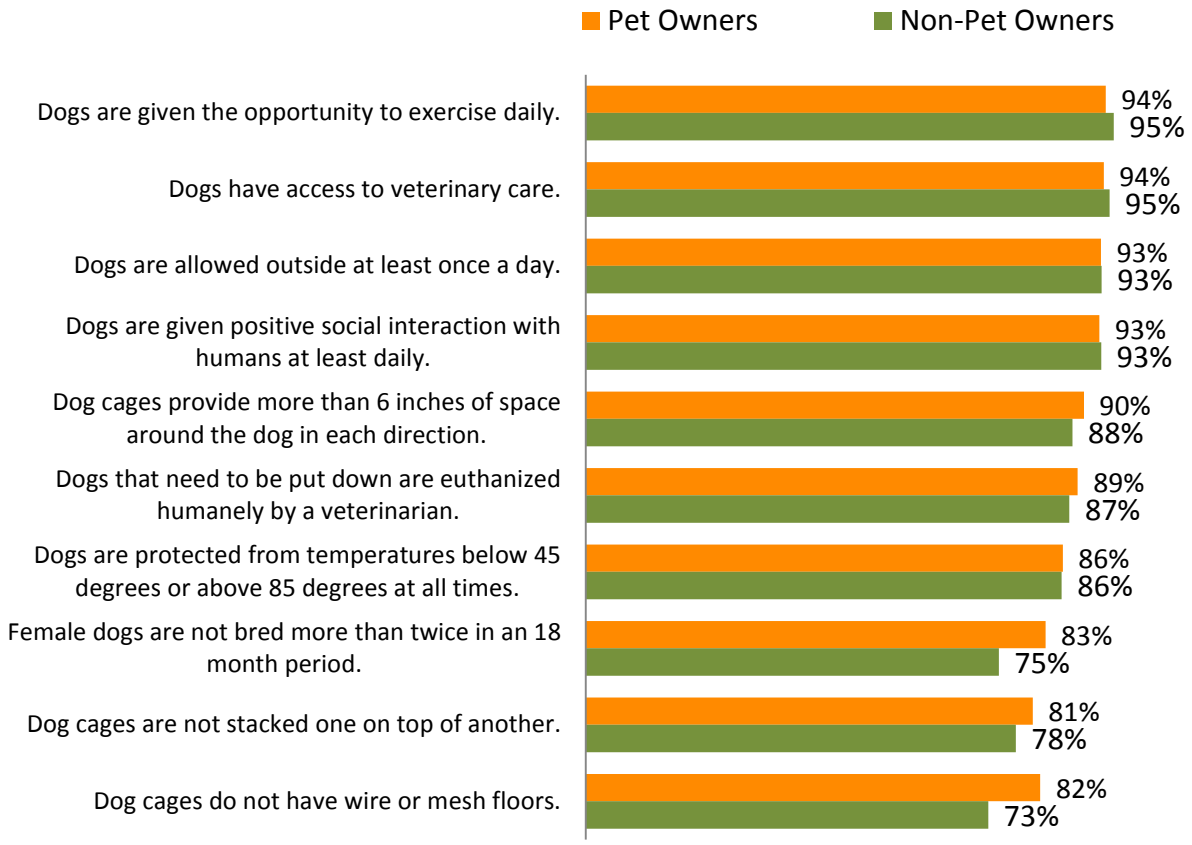
	% Absolutely Necessary for Humane Treatment	Public Requirement	Current USDA Requirement
Dogs are given the opportunity to exercise daily.	94%	☑	☐
Dogs have access to veterinary care.	93%	☑	☐
Dogs are allowed outside at least once a day.	90%	☑	☐
Dogs are given positive social interaction with humans at least daily.	87%	☑	☐
Dog cages provide more than 6 inches of space around the dog in each direction.	86%	☑	☐
Dogs that need to be put down are euthanized humanely by a veterinarian.	83%	☑	☐
Dogs are protected from temperatures below 45 degrees or above 85 degrees at all times.	75%	☑	☐
Female dogs are not bred more than twice in an 18 month period.	65%	☑	☐
Dog cages do not have wire or mesh floors.	63%	☑	☐
Dog cages are not stacked one on top of another.	62%	☑	☐

- Even among those who are extremely/very confident that USDA licensed facilities are humane, majorities believe each practice shown above is necessary for the humane treatment of dogs by a commercial breeder.[iv] This shows a disconnect between what many Americans *think* the USDA requires and what it *actually* requires of commercial dog breeders.

- **In addition, regardless of what they believe is absolutely needed for humane treatment, overwhelming majorities of Americans support implementing each of these requirements.[v]**

  - Both pet owners and non-pet owners support these requirements for USDA licensed dog breeders.

Support for Making Each a Requirement for USDA Licensed Dog Breeders



In sum, the data reveals that USDA's current requirements fall far short of the public's standards and expectations for the humane treatment of dogs at commercial breeders. Americans feel these measures are absolutely necessary for humane treatment and support making them a requirement for all commercial breeders licensed by the USDA.

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[i] **Methodology:** Edge Research designed and administered this survey that was conducted via phone between April 1st and 10th, 2013. The sample included 800 respondents that were reached via landline and 200 respondents reached on cell phones. The data are weighted slightly by age and gender to ensure it is representative of the general population nationwide. The margin of error for the total sample is +/- 3.1 percentage points.

[ii] **Question Wording:** If you were told that a commercial dog breeding facility was licensed by the United States Department of Agriculture or U-S-D-A, how confident would you be that the dogs at that particular breeding facility are treated humanely? Would

you be extremely confident, very confident, somewhat confident, not too confident, or not confident at all that the dogs are treated humanely?

[iii] **Question Wording:** Now I'm going to read you a list of practices that commercial dog breeders might use. For each, please tell me whether that practice is absolutely necessary for a breeder to be considered humane, whether it is something that is nice to do but NOT necessary for a breeder to be humane, or if it's not really necessary at all.

[iv] **Absolutely Necessary among the Very/Extremely Confident in USDA:**

- 98%- Dogs have access to veterinary care.
- 96%- Dogs are given the opportunity to exercise daily.
- 95%- Dogs are allowed outside at least once a day.
- 94%- Dog cages provide more than 6 inches of space around the dog in each direction.
- 93%- Dogs are given positive social interaction with humans at least daily.
- 90%- Dogs that need to be put down are euthanized humanely by a veterinarian.
- 86%- Dogs are protected from temperatures below 45 degrees or above 85 degrees at all times.
- 81%- Female dogs are not bred more than twice in an 18 month period.
- 80%- Dog cages do not have wire or mesh floors.
- 78%- Dog cages are not stacked one on top of another.

[v] **Question Wording:** Now I'm going to read you that same list of practices for commercial dog breeders. Regardless of whether or not you feel it is required for humane treatment of the dogs, please tell me if you strongly support, somewhat support, neither support nor oppose, somewhat oppose, or strongly oppose making that a requirement for all U-S-D-A licensed dog breeders.