



USDA APHIS Proposed Rule to Limit Pet Retailers

Hopefully by now everyone is aware that APHIS posted a Notice of Rulemaking on May 17. Historically retail sellers were not licensed by the federal government due to the general ability of the public to provide their own scrutiny of pet sellers and government concerns such as duplicative efforts with state or local laws. Generally, retail sellers were included in a broad definition of “retail pet store” where direct sales from seller to end consumer were exempt.

Now APHIS plans to narrow the definition of “retail pet store so that it means a PLACE OF BUSINESS OR RESIDENCE THAT EACH BUYER PHYSICALLY ENTERS in order to personally observe the animals available for sale prior to purchase and/or to take custody of the animals after purchase. Under the proposed rule no dog or other pet animal will be sold at retail WITHOUT either public or APHIS oversight. This is the critical point.

Why has APHIS proposed this rule? The proposed rule is the result of an HSUS petition demanding retail breeder regulation and letters to Secretary of Agriculture Tom Vilsack from Senators Durbin (IL) and Vitter (LA) urging that USDA amend the Animal Welfare Act (AWA) through regulatory action, rather than requiring congressional action. APHIS is required to address these requests.

There is no extensive compilation of data on complaints of substandard breeder operations, only scattered reports such as those cited in the [2010 OIG report](#) and those alleged in the petition. The OIG report did not discuss whether animals purchased over the Internet suffer from health problems at a greater rate than those sold in traditional, brick-and-mortar retail pet stores. No study has been done and there is no substantive evidence to prove that expansion of the existing AWA to cover an entirely new sector of small private entities will raise animal welfare to a higher level than properly enforcing current regulations and licensing those kennels operating commercially without USDA licensure.

The proposed rule would require face-to-face contact for pet sales on the seller’s premises. Therefore selling even one pet OFF PREMISES at a show, at a park, or arranged location without the buyer visiting first, will result in loss of an exemption from federal licensing. A breeder/seller of any species currently covered under the “retail pet store” definition can potentially lose their exemption and be required to obtain a federal license for even occasionally selling sight unseen via the Internet. “Covered” species includes dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, domestic farm animals, birds.

APHIS has repeatedly confirmed that rescue organizations are NOT exempt from this proposed rule. Selling pets at an adoption day event away from their base location or traveling to meet potential adopters would no longer be permitted without a federal license.

Exemptions from licensing are limited. Breeders of cats, dogs, and small exotic animals are currently exempt if they have 3 or fewer breeding females. APHIS proposes to increase this to 4 or fewer breeding females.

However, EITHER LIMIT makes it very difficult to build a breeding program without constantly moving out or spaying older females to make room for the next generation. To have more than this number of breeding females requires a license. Remember that the proposed increase from 3 to 4 breeding females is simply that – proposed – it is NOT guaranteed that this will be in the final rule. The number may also include co-ownerships. In addition, conflicting reports have surfaced that the breeding females may not be limited to one species. In other words, you may need a license if you have 3 female dogs capable of breeding and a family member has a “breeding female cat”. Breeding females have virtually no definition other than capable of being bred. This basically means intact and does not correlate to how many times you may or may not breed them.

The requirement that each buyer physically enter seller’s premise places undue restrictions on both buyer and seller. Buyers will be limited to only animals available within easily accessible areas unless they are willing to fly across country to shop for animals or only buy from breeders who can afford to be USDA licensed. Buyers and sellers can no longer agree to meet half-way at a pre-arranged location.

This rule will have dire consequences on the ability of breeders of less common breeds to maintain genetic diversity. Purchasing or sharing breeding stock can only be done if breeders are within travel distance, are willing to fly to make the purchase, or can afford to be USDA licensed.

Everyone MUST COMMENT. This proposed rule is an enormous expansion of federal pet regulation that will devastate hobby and small scale breeding as well as rescue.

APHIS needs to hear most from those who are likely to be affected by the rule. Explain briefly how the rule will impose costs on your breeding program and activities and whether this will cause you to cease your hobby or operations. Do not use form letters as they will be separated and counted as one comment by APHIS. Submit multiple comments, i.e., if you think the government cannot afford this rule submit that separately from the comment on how it will personally impact your breeding program.

Comments can be submitted at the Federal Register portal
<http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003-0001>

We strongly recommend that once you submit your comment at the portal, you send it to your Congressmen with the reference: Docket No. APHIS-2011-O0003

You can submit your own letter to Secretary Vilsack at a link provided by the Cavalry Group:
<http://www.thecavalrygroup.com/letter1.php>

ADDITIONAL READING:

[PIJAC Pet Alert http://tinyurl.com/cq4qlmv](http://tinyurl.com/cq4qlmv)

[Virginia Federation of Dog Clubs and Breeders http://tinyurl.com/bpu4y34](http://tinyurl.com/bpu4y34)

[Federal licensing of cat breeders by Joan Miller, CFA Legislative Information Liaison](#)

[Show Rabbit Protection Society - USDA Teleconference http://tinyurl.com/6ow8qug](http://tinyurl.com/6ow8qug)

[SAOVA Suggested Comments for APHIS Proposed Rule http://saova.org/APHIS_comments.html](http://saova.org/APHIS_comments.html)

[RPOA Texas Outreach Action Alert http://tinyurl.com/6r65hb6](http://tinyurl.com/6r65hb6)

CVM Researcher Studies Solutions to Equine Pain Management

Dr. Sam Jones, professor of equine medicine at North Carolina State University's College of Veterinary Medicine, is interested in how inflammation is triggered and regulated and how inflammation contributes to the pathophysiology of diseases such as colitis, equine colic, sepsis, and endotoxemia. The pain horses experience with these and other issues, including laminitis, is not well understood and is the focus of current research by Dr. Jones that is supported by the Morris Animal Foundation. A report on this research appears on the Morris Animal Foundation web page and is reproduced here.

By Kelley Weir

While the options for alleviating pain in cats and dogs have improved significantly over the past decade or so, there is much to be learned about which drugs will work best for horses' unique physiology and anatomy. Large animal veterinary researchers are working hard to learn more about improving pain management in horses.

Dr. Samuel Jones, assistant head for equine programs at North Carolina State University's College of Veterinary Medicine, points out three characteristics that are special to horses: their gastrointestinal tract, their susceptibility to endotoxemia and their vulnerability to laminitis.

These three characteristics, he says, set horses apart from companion animals and pose a challenge to veterinarians who treat them.

"A lot of how we treat pain in horses has been derived from research that has been done for companion animals and humans," he says, "but we have to be careful because there can be differences in how horses respond to different drugs or how they experience pain, for that matter."

Dr. Jones explains that specific research is needed on equine pain management, and he's one of the scientists doing just that. Specifically, he's looking at how horses react to treatment. The immune system reacts to injury or inflammation by sending neutrophils, a type of white blood cell, to the site, but sometimes the neutrophils overreact and thus damage the tissue. With Morris Animal Foundation funding, Dr. Jones is studying how these cells orchestrate the inflammatory response and evaluating a new drug that may keep the neutrophils from overreacting.

"The compound we are studying is not going to control pain, but it may control the overreaction of neutrophils that leads to pain," Dr. Jones explains.

This could be an important breakthrough for horses because they are susceptible to endotoxemia, a condition in which harmful bacteria in a horse's gut get into the bloodstream, which can cause shock, colic-like symptoms, laminitis and even death.

Though much is left to learn, the good news is that pain management for horses has made great strides in the past 20 years ago.

"Clinicians have all realized how important pain management is for a successful outcome," Dr. Jones says. "Horses do much better clinically if we can control pain. That's why there's been an explosion of interest in the topic and importance placed on finding the best treatments."

Source: <http://www.cvm.ncsu.edu/news/>

NCSU Study for Canine Osteosarcoma

Dr. Laurel Williams, Associate Professor of Oncology at NC State University's College of Veterinary Medicine, is the principal investigator of a regional trial evaluating a novel treatment strategy to extend the quality of life of dogs being treated for osteosarcoma.

Osteosarcoma is the most common canine bone cancer. It typically affects large, fast-growing breeds including Rottweilers, Irish Wolfhounds, Great Danes, Doberman Pinschers, and St. Bernards. Tumors are locally invasive and have a high rate of metastasis, spreading to other places in the body.

The regional trial, funded by Bone Cancer Dogs, Inc., is evaluating the impact of the drug Palladia™ in dogs that are being treated for osteosarcoma. Palladia™ has the ability to disrupt the blood supply to cancer cells and may, therefore, delay or prevent metastasis, a process dependent on an intact blood supply. Standard treatment for osteosarcoma involves amputation and chemotherapy.

“Current life expectancy for a dog diagnosed with osteosarcoma is approximately four to six months following amputation,” says Dr. Williams, an oncology specialist in the Randall B. Terry, Jr. Companion Animal Veterinary Medical Center. “With the addition of chemotherapy, survival times increase to approximately 10 to 12 months. New advances are needed. We are currently investigating novel treatment strategies, such as the use of Palladia, to further improve outcomes. Our hope is that this multi-modality approach will provide an extended quality of life for dogs diagnosed with osteosarcoma.”

The clinical trial is recruiting participants. To be considered for this study dogs must have appendicular osteosarcoma with no radiographic evidence of pulmonary metastasis following amputation and four cycles of carboplatin chemotherapy.

[Bone Cancer Dogs Inc.](#), is a non-profit organization comprised of dog owners committed to changing the outcome of canine osteosarcoma through education, client-to-client support, and funding of research and clinical trials exploring the genetics of the disease and developing new treatment strategies. Bone Cancer Dogs Inc. is also supporting a NC State CVM study determining the feasibility of a [novel limb-sparing implant for treating canine osteosarcoma](#).

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The study. “The impact of the multi-kinase inhibitor Palladia™ on angiogenesis and survival following amputation and carboplatin chemotherapy in canine osteosarcoma.”

The process. Accepted study participants will undergo an initial evaluation consisting of a physical exam, complete blood count, chemistry panel, serum for study analysis prior to any chemotherapy, urinalysis, 3-view thoracic radiographs; amputation; and four cycles of carboplatin chemotherapy.

Patients will then begin receiving oral Palladia™ two weeks after their final carboplatin chemotherapy treatment. Patients will need to return to NC State's College of Veterinary Medicine once monthly and Palladia™ treatment will continue until metastatic disease is confirmed by thoracic radiographs.

The costs of Palladia™ and blood work associated with drug monitoring will be covered by the study. Clients will be responsible for costs associated with initial evaluation, amputation, and every other month thoracic radiographs. **For more information.** Please contact study coordinator, Julie Nettifee Osborne, RVT, at 919.513.6812 or via email at julie_osborne@ncsu.edu.

Cabarrus County: Humane Society to Take Over Shelter

In July, the Humane Society of Concord and Greater Cabarrus County will assume control of the Cabarrus County Animal Shelter off N.C. 49.

Humane Society volunteers have helped Cabarrus Animal Control – part of the county Sheriff’s Office – clean and maintain the shelter for several years. The Animal Control division would determine which animals to offer to the society for potential adoption.

Under the new system, however, animals found by Animal Control will be turned over to the Humane Society immediately. The Humane Society will then decide which animals are adoptable.

Animal Control will still be in charge of picking up animals and euthanizing those that are deemed unadoptable.

The Humane Society will receive the part of the county’s budget that is set aside for upkeep of the animal shelter. Last year, Sheriff Brad Riley said that amounted to around \$48,000. Riley said the county decided to hand over control of the animal shelter to the Humane Society to allow the sheriff’s staff to concentrate on law enforcement duties.

Source: <http://www.charlotteobserver.com/2012/06/01/3280415/humane-society-to-take-over-shelter.html>

Improving Treatment of Cancer in Cats

Each year, the Winn Feline Foundation receives proposals from veterinary researchers around the world who are interested in improving feline health. To date, Winn’s cumulative total in feline health research funding exceeds \$4 million. Forty-four proposals were submitted by researchers seeking funding in this review cycle. This year, our team of veterinary consultants helped Winn select [10 projects for funding](#), for a total of \$174,018.

Here is one of those projects:

W12-005

Immunohistochemical quantification of the transcobalamin II protein (TCII) and receptor (TCII-R) in naturally occurring feline tumors

Investigators: Annette M. Sysel, Joseph A. Bauer; Bauer Research Foundation, Akron OH

Cancer affects millions of cats annually and may account for 1/3 of all disease-related feline deaths. There are only 2 FDA-approved drugs available for the treatment of cancer in animals, but both drugs are licensed exclusively for use in dogs. Treatment of cancer in cats is largely extrapolated from treatments used in human and canine medicine. A new and interesting approach to cancer therapy is based on the fact that cancer cells rely on vitamin B12 (cobalamin) to grow and they produce transport proteins to scavenge cobalamin. An anti-tumor drug called nitrosylcobalamin (NO-Cbl) uses cobalamin to target cancer cells via the transcobalamin II (TCII) transport protein and receptors. The TCII protein and receptors have been evaluated in human and canine tumors, but not yet in cats. In this project, the investigators will quantify the TCII protein and receptor in feline tumors with the goal of identifying tumors that may be susceptible to treatment with drugs such as No-Cbl.

Source: Winn Feline Foundation

Feline Health Symposium: Diving into the Gene Pool

Registration is now open for the **34th Annual Winn Feline Foundation Feline Health Symposium**. This year's event, "*Diving into the Gene Pool*", will take place on Thursday, June 28, 2012, from 4:00 to 6:00 pm at the Boston Marriott Quincy, in Quincy, MA.

"We are excited to announce that two preeminent feline healthcare researchers will be delivering the program. Leslie Lyons, PhD, University of California, Davis will present '*The Next Generation of Feline Genetics*' and John Rush, DVM, DACVIM, DACVECC, Tufts University will speak on '*Feline Cardiomyopathy - More than Genes! New thoughts on Causes, Diagnosis, and Treatment*'", stated Dr. Vicki Thayer, Winn Feline Foundation Board President.

Dr. Lyons will speak on recent genetic sequencing of the cat which has led to development of a powerful new genetic resource, the cat 63K DNA array. Dr. Lyons will present examples of recent successes for identification of mutations causing cat traits and diseases. In addition, discussion will cover a new study design to evaluate more challenging traits, such as FIP resistance and susceptibility, and other complex conditions in the cat. While genetic mutations contribute to many forms of hypertrophic cardiomyopathy (HCM) in the cat, these mutations cannot explain all of the manifestations of the disease. Dr. Rush will present information and research relative to diagnostic testing, dietary implications, and new drugs for treatment of feline cardiomyopathy.

All event proceeds will benefit worldwide medical research on feline HCM via [Winn's Ricky Fund](#), established in 2002 with the specific purpose of raising funds for feline HCM research. The registration fee, which includes light snacks with a cash bar, is \$25. Reservations are required **by June 17, 2012**. Detailed information and registration options are [available on the Winn Feline Foundation website](#) and in the [event flyer](#).

Billboard Firm Rejects PETA's Hanford Mad Cow Ad

The animal rights group PETA tried to place a billboard in Hanford stating "Real Milk Comes from Real Sick Cows" and urging people to "Go Vegan," but the nation's biggest billboard company told the group no.

After a dead dairy cow from Tulare County in the heart of dairy country was found with mad cow disease last month, the animal rights group PETA announced that it would place its message on a billboard near Baker Commodities, the Hanford plant where the animal was taken for initial processing. But when the group called Lamar Advertising Co. to put up a message, the company wouldn't accept it, PETA spokeswoman Alicia Woempner said. "We got more or less a generic response, 'Unfortunately, I cannot accept this ad content,' " Woempner said. PETA has since switched to a television ad in the Fresno market, she said.

Lamar turned down the message out of concern that the group's statement was not truthful, said Hal Kilshaw, the company's vice president of governmental relations. "It's misleading," Kilshaw said. "Millions of people drink milk every day and don't get sick."

Read more here: <http://www.fresnobee.com/2012/05/21/2845619/billboard-company-turns-down-petas.html#storylink=cpy>

North Carolina Responsible Animal Owners Alliance, Inc. (NCRAOA) is a statewide organization of animal owners and professionals dedicated to animal welfare, responsible animal ownership, and maintaining the rights of responsible citizens to breed and own animals. NCRAOA, a 501(c)3 organization, provides education and information to the public and supports reasonable and humane animal welfare laws. Permission granted to copy and distribute NCRAOA News and Views in its entirety as is.

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