



USDA APHIS Proposed Rule: Deadline for Comments July 16th

We are now at the halfway point to submit comments on this rule. 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. It's fine to only submit a sentence or two. Read the attached document "Living with USDA Licensing" to fully understand the impact of this rule.

If you care about the future of pets, health and genetic diversity of breeds, the ability to exchange breeding stock between friends, or the ability to maintain a small business, then you MUST submit a comment. Even if you no longer breed but have enjoyed breeding and showing in the past, you should submit a comment to ensure that future generations will be blessed with the same opportunities to own, breed, and enjoy pets that we benefit from now. We strongly suggest that local clubs and organizations as well as their individual members submit comments. *Cross posting is encouraged.*

EASY STEPS TO COMMENT AND MAKE YOUR VOICE HEARD

Cut and paste the following urls into your browser. Talking points follow.

- ✓ **Submit a comment at the Federal Register portal:** <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003-0001>
- ✓ **Send a letter to Congress.** Extremely easy tool at the Cavalry Group site <http://tinyurl.com/c44mmew>
- ✓ **Submit your own letter to Secretary Vilsack:** <http://www.thecavalrygroup.com/letter1.php>
- ✓ **Sign the AKC petition** to show your support for purebred dog breeders: <http://www.akc.org/petition/>

SUGGESTED COMMENTS TO USE AND PERSONALIZE

While the Internet has increased opportunities for sales this does not translate to a need for the federal government to monitor and regulate the purchasing habits or prerogatives of the public. For the majority of pet breeders, selling online and shipping "sight unseen" to the buyer triggers a licensing requirement. In many cases this places unnecessary restrictions on both buyer and seller.

Types of pets and specific breeds are not evenly distributed throughout the nation in order to make local buying achievable and my breed is no exception. It is not practical to expect a buyer to travel hundreds of miles, or fly across country, to purchase the pet of his choice. There are checks and balances in place for "sight unseen" transactions such as personal references and the veterinary health certificate required for shipping.

Not allowing me to ship would prevent me from sharing breeding stock and puppies with breeders I have worked with for years who do not live in my area.

It would be cost-prohibitive for me to have to build a USDA-compliant kennel. I would be unable to continue breeding.

I barely sell over \$500 of rabbits a year and do not have allowed zoning to obtain a USDA license.

I am concerned that buyers who are willing to fly in to purchase a pet from me will expect me to lower my price as compensation. If I cannot sell to meet my costs and make a small profit I may have to close my business/hobby.

I prefer to raise pets in my home for optimal socialization. I do not wish to keep them in a kennel.

This proposal would be harmful to my rare breed. Buyers are usually distant and rarely visit the premises during a sales transaction.

As a pet owner, I am concerned about my future ability to purchase a well-bred, well-socialized pet for a reasonable price.

As a hobby breeder who works away from my home, I cannot comply with the APHIS requirement to be available for unannounced inspections. I would be forced to quit breeding or face thousands of dollars in fines for noncompliance with this rule.

For decades, hobbyists and small home breeders have been the best source of American pets. The animals are well suited to live in a residential environment because they've been raised in one. The proposed rule would have these pets raised in a separate, sterile environment as if they were lab animals. This would reduce welfare for more animals than it could possibly help.

USDA/APHIS should not broaden its regulatory scope to include retail sellers. The existing definition for "retail pet store" should not be revised.

The proposed rule is unworkable and fatally flawed and should be discarded.

Without precedent, this rule seeks to enter the privacy of American homes to set standards of pet care, sanitation, and housing. This is an overreach of government and a violation to my right of privacy.

The rule will not achieve better animal care and it will definitely divert USDA resources from its food security and protection mission.

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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LIVING WITH USDA LICENSING

Background

Retail sellers have long been provided an exemption from federal licensing through the broad definition of “retail pet store”. APHIS proposes to revise this definition and bring more pet animals sold at retail under the Animal Welfare Act (AWA) licensing and regulations. APHIS will limit 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. If you sell dogs, cats, rabbits, small exotic animals, or other small pets and cannot qualify for exemption in the AWA then you must obtain a federal license and meet set standards.

What does USDA Licensed Facility Mean?

Living under USDA licensing is NOT an option for the average retail seller. The average house cannot be converted to a USDA compliant facility. Federal engineered standards for licensed facilities dictate enclosure sizes, sanitation, surfaces that are impervious to moisture, ventilation, bio-hazard control, veterinary care, exercise, temperature controls, waste disposal systems, diurnal lighting, drainage systems, washrooms, perimeter fencing, as well as transportation standards for regulated animals. It does not matter how well you think you care for your animals, Federal regulations are not flexible and do not allow for your own discretion. You must strictly adhere to what the regulations and your inspector say are acceptable equipment, care, and husbandry practices.

- The USDA license will classify you as a commercial business. You will need to know the allowed uses for your property in the current zoning and land use regulations. There may be minimum acreage requirements for commercial land uses.
- You will need to know what the required setbacks are. In land use, a setback is the distance which a building or other structure is set back from a street or road, or other things like fences and property lines. There may also be limitations on the size and height of the building you need to set up for your animals. Building permits will be required.
- Separate facility will be needed for females within two weeks of whelp.
- In order to bring female into your home for whelping or birthing the room used must meet USDA standards – impervious to moisture – meaning tile floor and vinyl-coated walls.
- Kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam.
- Separate facility meeting USDA standards will be needed for puppies (they cannot be with adults).
- NO breeding stock allowed to run loose in your home unless it meets the requirements. Your house is not impervious to moisture, so therefore not up to USDA code.
- All surfaces touched by animals must be waterproof and sterilized every two weeks with your choice of live steam under pressure, 180 degree water and detergent with disinfectant, or a combination detergent/disinfectant product.
- Use of cat trees/scratching posts may need approval from your inspector as they are not impervious to moisture, difficult to sanitize, and will need frequent replacement if allowed.
- Pens, runs, and outdoor housing areas using gravel, sand, or earth which cannot be sanitized with live steam or detergent must be sanitized by removing and replacing the material as necessary in order to prevent odors. This would be at the discretion of the inspector.
- Facilities must be equipped with disposal and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry.
- Facilities must provide readily accessible washrooms, basins, or sinks.
- Facilities must provide evenly diffused natural or artificial lighting on regular diurnal cycles.

LIVING WITH USDA LICENSING

- You must have a separate food preparation area from your kitchen. Food cannot be left in bags, but must be stored in airtight containers.
- Temperature of the kennel facility must be within the allowed range (45-85 degrees) at all times and a daily high-low record maintained.
- You must employ a veterinarian under formal arrangements which must include regularly scheduled visits to your premises and a written program of veterinary care.
- You must hire sufficient staff to carry out and maintain the required level of husbandry practices and care required in the regulations.
- If you are licensed and inspected locally or by the state, you are NOT exempt from federal licensing and regulation. You would be required to carry both licenses and meet all requirements.

Living With USDA Inspections and Being "Written Up" For Violations

The 60 plus pages of current USDA standards as written are designed for research labs and commercial facilities where animals are bred and raised as a business for resale. The regulations were not designed for small part time breeders or mom and pop kennels working out of their homes.

- Breeding is your hobby, not your livelihood, but you have enough animals that you cannot meet any exemptions. You are at work when the inspector comes, so you are written up for not being there. Fines can be up to \$10,000.00.
- The only one who can allow an inspector to conduct an inspection of a kennel is the person named on the license or a designee that is listed as being allowed to accompany the inspector in the absence of the licensee. In the absence of either, it is listed as a violation when the inspector shows up unannounced to conduct an inspection.
- Broken kennel wire? Dirty windows? Lid off a food container? Clogged drain that created a puddle of standing water. Footprints in your kennel building on a rainy day? All of these can get you "written up" for a violation. Three write ups and you will be fined.
- Inspectors will always find something to write you up for. They have to or else they will be accused of not doing their jobs.

Invasion of Privacy or "Hi, I'm from the government, and I'm here to see if you've scooped your kennel runs this morning"

Every violation write-up you receive is public information and can be obtained from USDA through the Freedom of Information Act. Efforts to protect such lists from public disclosure have failed.

We do know that the animal rights activists already compile lists of breeders from referral sources, show catalogs, and advertising to give to enforcement authorities. They also do their own sting operations, calling breeders to see if they have puppies available, do they know anyone else who does, etc. The proposed rule will create tens of thousands of new USDA licensed "dealers." All new dealer names and precise addresses will be posted on a USDA website for every animal rightist zealot to access.

<http://www.aphis.usda.gov/ac/publications.html>

Furthermore, both HSUS and ASPCA offer "bounties" for breeders. These organizations encourage vigilante actions and how much easier they will be once self-appointed inspectors are equipped with USDA provided dealer address lists. It will only take a couple of bounty-inspired incidents to render the dog-breeding community completely terrorized. How long do you think it will take until all breeders are vanquished -- either by direct assault from these groups or willingly leaving out of fear?