



USDA/APHIS Publishes Final Pet Seller Rule

The Final Rule which revises the definition of "retail pet store" under the Animal Welfare Act (AWA) was published in the Federal Register September 18, 2013 and will be effective November 18, 2013. The new definition of retail pet store means a place of business or residence where the seller, buyer, and animal are physically present in the same location. Not only dogs, but cats, rabbits, mice, rats, small exotic animals, and other small pets will no longer be sold at retail without either public or APHIS oversight. If you cannot qualify for the retail pet store exemption in the AWA by selling only face-to-face, then you must either obtain a federal license or be limited to owning 4 or fewer females. This limit of 4 is an aggregate number of females regardless of species (i.e., 2 dogs, 1 cat, 1 rabbit).

There are many concerns, including the interpretive definition of a breeding female. APHIS states it must be assumed that any female capable of breeding may be bred. The APHIS inspector will have the final say whether or not an animal is a breeding female. The rule also imposes commercial standards on some small hobby/breeders who cannot meet criteria for an exemption. Federal standards for licensed facilities dictate sanitation measures and construction standards that are not feasible in a normal home, regardless of what APHIS attempts to make you believe in their FAQ. The current standards for commercial breeders have not been changed. APHIS does not have two sets of standards.

It is imperative that everyone write to Congress now. Below is a sample letter to send:

Dear Congressman

I am writing today in opposition to the final rule issued by USDA/APHIS to revise the definition of retail pet store.

The rule changes the Animal Welfare Act (AWA) and USDA responsibility forever by granting authority for federal inspectors to invade the privacy of American homes in order to establish standards for pet care, sanitation, handling, and housing. While the rule is promoted as closing an "Internet loophole" for unscrupulous puppy sellers, the rule's dramatic expansion of the AWA would actually encompass many private citizens as well as multiple species of pets. The new rule centers on shipping pets sight unseen requiring certain sellers who do so to be federally licensed. This places unnecessary restrictions on the buyer by limiting the geographic area from which he can purchase a pet without excessive travel. Because the Internet has replaced many traditional advertising methods does not mean it should be used as an excuse to expand the agency's regulatory scope beyond its current enforcement capability.

Considering the agency's current budget challenges and the general state of the nation's economy, expansion of this magnitude is not only impractical but irresponsible and is not an efficient use of limited departmental resources.

Please intervene and help us stop this rule.

Sincerely,

Moratorium!

I was in the aisle of a local supermarket when I spied an acquaintance angrily barreling toward me. Reaching me she stopped abruptly, and pointing her index finger near my face, proclaimed in a loud, emphatic voice that she was going promote a moratorium on all intentional breeding for the next five years till every surplus pet was adopted. Warning delivered, she abruptly turned and left without waiting for my response.

Actually she would not have listened to anything I said, no matter what. But if she had waited I would have educated her that not breeding purebreds for five years would have no effect, NONE, on the number of pets needing placement from shelters. Her misinformation and misplaced accusation is a constant refrain I hear, not only in person, but also regularly over TV, in print and in ads that promote adoptions.

She never asked, but if she had she would have learned the only two of my breeding still alive are elderly, spayed dachshunds.

My final litter was born in 1998. I kept four of the six pups from that breeding: One went to the owner of the sire; the other went to friends who had purchased another dachshund from me about sixteen years prior to the birth this litter. They sought one equally as nice as the first one they had purchased from me and who had died of old age, and were willing to wait till my new litter was on the ground. Then they traveled from New Hampshire to North Carolina to bring him home. The other five littermates, four of which I kept, were involved in competition and titled in conformation, obedience and/or Schutzhund as were dam and sire. All were loved and secure from birth till death. Responsible breeding and ownership have been my objectives for over fifty years. My purposefully bred purebreds have never been the cause of the overcrowding of municipal and private facilities. Yet it is all too easy to target me and all purebred breeders as the cause of unwanted pets.

Here is just one example of this common, loud refrain.

Quote:

"Why should you adopt?"

Dog and cat adoption saves lives. Adopt a dog or adopt a cat and you'll have a friend for life! What is the difference between adopting a dog, adopting a cat, adopting a kitten or adopting a puppy versus getting dogs for sale, cats for sale, puppies for sale or kittens for sale from a dog breeder or a cat breeder? When someone is breeding puppies or breeding kittens, they are creating new dogs and cats that need homes. Some people are interested in a very specific breed of dog, cat, puppy or kitten and they think the only way to find that specific breed is to buy a dog for sale or buy a cat for sale from a puppy breeder or a kitten breeder. Yet animal shelters are filled with dogs and cats who must find homes. So rather than buying a dog or puppy for sale from a dog breeder or buying a cat or kitten for sale from a cat breeder, we encourage people to adopt a dog, adopt a cat, adopt a puppy or adopt a kitten at their local animal shelter, SPCA, humane society or pet rescue group."

End quote.

While hobby breeders fully support adoption and rescue, we can no longer ignore these derogatory, untruthful, widely accepted messages. Statistics show it is clearly not carefully bred pets from hobby breeders as the cause of animals populating a shelter in the first place. Countless studies have proven the quoted sentiment above is emotional rather than verifiable, and yet the lie continues to gain credence. It is much too easy to point fingers rather than find out the truth. I am getting really tired of being placed on the defensive since my hobby for more than half a century and the admirable dogs I have whelped, raised, and trained have always been well cared for, dependable good citizens. Dogs of mine from each generation have traveled with me across the country and internationally to take part in entertaining and educating pet owners in responsible pet ownership.

While providing homes for lost and unwanted animals rather than euthanizing them just for being alive is an admirable goal, and we applaud the commitment of staff and volunteers for seeking that solution, it should be made clear that purebred breeders have always also been supportive of this venture.

We too volunteer our time and monies to foster abandoned pets and to educate the general public concerning responsible pet ownership. We promote health and welfare of all pets, and teach people to care for their companions.

In addition we are on call for the life of a pet from those who have ever purchased that pet from us. It is our follow-through that is often responsible not only for initial acquisition, but also pet retention.

We breeders do not proclaim that all dogs must be purebred and bought from hobby breeders. Acquiring a pet is not an "either-or" proposition. We do not resent the sale of mixed breed dogs from an establishment. Breeders have never accused local facilities that promote adoption of unwanted animals for a fee of being irresponsible. Potential owners who seek to purchase a purebred of known lineage should be accorded equal respect. The 13% of the United States population who purchase a purpose-bred purebred pup or kitten from a hobby breeder should not be made to feel guilty for that purchase. *(statistics from AHA/Petsmart retention study)*

We hobbyists do not add to the purchase price of each pet acquired from us the cost of the years involved in learning to match the qualities of sire and dam by genotype and phenotype. Health testing of sire and dam prior to breeding, caring for the dam during gestation, whelping and weaning, training, socializing and raising pups, veterinary care during the whole process is an added expense that is not compensated for in the cost of purchase. In addition funding by members of breed clubs and individual breeders toward research is always ongoing. Breeding is a major undertaking and not done casually.

Instead of pointing accusing fingers, people who claim they are concerned about unwanted pets might instead learn to listen to hobby breeders to avail themselves of their years of acquired wisdom.

The current trend of laws being passed by those who have no knowledge of animal husbandry hurts not only breeders, but also consumers and their pets' survival. There is no one size fits all when it comes to caring for pets.

Knowledge of breed temperament, grooming and training helps aid in promoting retention. That retention, not initial acquisition is what is so important. Acquisition, no matter whether is through purchase or adoption is just the first step of ownership. The cost of purchase, pro-rated for the lifetime of a pet is tiny compared to daily, monthly, or annual expenses.

All pets need food and shelter. Cats need litter boxes cleaned and replenished. Dogs have to be walked and exercised and their fecal matter picked up and disposed of responsibly. Caged pets too need attention to promote an environment needed to sustain a healthy life.

The greatest heartbreak happens when an owner decides for one or another reason a pet is no longer wanted and in mid or old age is abandoned or placed in a facility waiting for adoption or euthanization. Sometimes this is caused by illness or death of an owner, but more often for other reasons.

Instead of denigrating us as adversaries and demanding we stop breeding, working together with hobby breeders can be a good first step in promoting the welfare of all pets. *Barbara Axel*

California Law Restricts Animal Sales in Flea Markets

September 17, 2013. Governor Jerry Brown has signed into law a restriction on the sale of animals at flea markets and swap meets in the state. The bill allows for the sale of animals at these venues under strict conditions that the local jurisdictions adopt certain care standards. If they do not comply, the sale of animals will be prohibited completely. These standards are the same regulations that are required of retail pet stores. California law also bans the sale of live animals on any street, highway, public right-of-way, parking lot, carnival or boardwalk. *Source: Fleamarket Zone*

CT Could Become First State to Ban Pet Sales

September 19, 2013. Panel Will Make Recommendations To Legislature. Critics call them "puppy mills" and say the only way to shut down commercial out-of-state animal breeding facilities is to ban retail sales of dogs, cats and rabbits in Connecticut. But the pet industry says it is already heavily regulated and eliminating retail sales would just feed an underground market of unscrupulous sellers. The bipartisan panel was created by the General Assembly during the 2013 session after a group of lawmakers proposed a bill that would have banned the sale of pets in Connecticut unless the animals came from a rescue agency, a private breeder or an animal shelter. Supporters of such a ban said it is the only way to stop breeders who raise animals in sub-standard conditions. The measure failed to come up for a vote in the face of strong opposition from the retail pet industry, which called it feel-good legislation that would cripple small businesses while doing nothing to protect animals. *Source: Courant.com*

Boulder CO Considers Giving Flowers a 'Right to Life'

The Boulder, Colo. local government will deliberate a new law next week that would legally define and protect plants and animals as living beings. The 'Rights of Nature' movement recently descended on Boulder to push environmentalist laws to the local government, according to Denver Westwood News. Their most recent proposal asks that Boulder County recognize "the rights of all naturally occurring ecosystems and their native species populations to exist and flourish." *Source: Washington Free Beacon*

PA Proposed Exotic Pet Ban

September 6, 2013. Under state law, it's perfectly legal to own bears, lions, tigers and the like as long as the owner obtains a permit from the Pennsylvania Game Commission. But that may soon change if a Senate bill introduced in March wins support in the state Legislature. If passed, the bill would prohibit private ownership of exotic wildlife, including bears, big cats, primates and other potentially dangerous animals. People who already have such pets would be allowed to keep them, as long as they have a permit. Nicole Paquette, vice president of wildlife protection for the Humane Society of the United States, said such a law has been a long time coming for Pennsylvania. *Source: Reading Eagle*

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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