

Fact Sheet

Support the Pet Safety and Protection Act S. 714 / H.R. 1280

Research facilities generally obtain their animals from one of two sources: Class A (Permit Breeder) dealers, who supply purpose-bred animals to laboratories, or Class B dealers, who obtain the animals they supply to labs from “random sources.”

The Problem

Class B dealers obtain the animals they provide to research facilities through a variety of unseemly methods, such as responding to “free to good home” ads in local newspapers, adopting from local animal shelters, and stealing companion animals from their owners’ yards, cars, and farms. Too often, dogs and cats are subjected to abusive handling and exposure to the elements while kept at the premises of Class B dealers, as pet owners mourn the loss of their stolen pets.

The United States Department of Agriculture (USDA) has repeatedly documented the failure of random source Class B dealers to comply with the minimum requirements of the Animal Welfare Act (AWA). Because of the questionable reliability of random source animals, the National Institutes of Health (NIH) has a long history of using only purpose-bred dogs and cats for its intramural research. Robert A. Whitney, D.V.M., former Director of Research at NIH, said the following about random source Class B dealers:

The continued existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals. (Letter to Members of the U.S. Congress; June 12, 2006)

After hundreds of AWA violations, and an undercover investigation (by Last Chance for Animals), one of the most notorious Class B dealers in the U.S. - C.C. Baird of Martin Creek Kennels in Willifore, Arkansas - was finally shut down by the USDA. The undercover investigation, documenting extreme animal cruelty and the illegal acquisition of animals by the 15-year-old facility, was featured on HBO and called a dramatic amount of attention to the issue. However, the remaining 10 Class B dealers who sell live, random source dogs and cats to research pose a terrible drain on USDA resources as the agency struggles to oversee these problematic operators.

The Solution

To remedy this serious problem, Senator Daniel Akaka (D-HI), and Representatives Mike Doyle (D-PA) and Phil English (R-PA) introduced the Pet Safety and Protection Act, S. 714 and H.R. 1280. This legislation will ensure that dogs and cats used in research and education are neither stolen nor obtained through fraudulent practices, and will also establish monetary penalties for related violations.

Under this bill, purpose bred and random source, young and old, genetically uniform and genetically diverse dogs and cats will ALL still be available to research facilities from a variety of sources, such as Class A dealers, shelters, research facilities with breeding programs, individuals, etc. They just won't be able to use the Class B middlemen to obtain animals from the illegal sources – stolen pets, pets being offered through “free to good home” ads, and other fraudulently obtained animals.

S. 714 and H.R. 1280 will accomplish the following:

- Prohibit Class B dealers and unlicensed individuals from selling random source dogs and cats to laboratories.
- Prevent stray animals, who may be lost family pets, from being sold to laboratories.
- Provide pet owners peace of mind that their animals will not be sold to a laboratory, should their animals be stolen or become lost.

The Pet Safety and Protection Act will not prevent Class A dealers from supplying animals to laboratories. It will not prohibit research facilities from breeding animals and supplying them to other research facilities. It will not prohibit individuals from donating their own animals to laboratories for research purposes. It will not supersede any state law pertaining to pound seizure.



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Myths/Facts

Nearly identical Class B dealer legislation was approved as part of both the House and Senate Farm Bills, but unfortunately it was dropped in conference and study language was substituted. It's time to curtail the abuses of Class B dealers who acquire random source dogs and cats through methods such as pet theft and fraudulent response to "free to good home" ads, and are notorious for the abusive conditions in which they hold those animals before selling them for experiments. Here are responses to some arguments we heard raised during the Farm Bill debate:

MYTH: There's no need for this legislation because pet theft is not really a problem and USDA enforcement of the Animal Welfare Act addresses these concerns.

FACT: There continue to be documented cases of stolen pets ending up in research labs, which have principally come to light as a result of whistleblowing or private undercover investigations undertaken at great personal risk. Though USDA has devoted considerable resources to trying to keep track of Class B dealers' operations and prevent their notorious animal welfare abuses, the **agency's oversight system is inherently incapable of ensuring compliance**. Class B dealers are allowed to buy dogs and cats from anyone anywhere, including "bunchers" – unlicensed dealers who collect stray and stolen animals – as long as the seller claims that he or she bred and raised the animal. It is virtually impossible for USDA to disprove this claim, and agency "trace backs" involve merely looking over the dealers' paperwork and calling phone numbers provided by the dealers – folks in cahoots with them – to track the source. USDA basically relies on an honor system for people who are known to be dishonest. In one high-profile case prompted by a nonprofit group's undercover investigation, USDA finally in 2005 shut down a Class B dealer who had been operating for more than 15 years and sold at least 50,000 dogs. A buncher supplying dogs to this dealer was captured on film commenting, "[W]ell, let's face it, it's not legal, you know. I took stolen dogs to him....I think well, that could be a child's dog. You know, that could be a pet, ya know....But hey, a buck's a buck."

MYTH: If Congress prohibits the sale and purchase of random source dogs and cats from Class B dealers, vital medical research will not go forward.

FACT: The vast majority of research institutions – as well as all intramural research at NIH – long ago stopped using random source dogs and cats because of the ethical concerns and because the animals lack the genetic specifications and health histories needed for sound science. For those researchers who want genetically diverse dogs and cats of various sizes and ages and unknown health histories, this legislation allows full access to all the legal sources – breeders of purpose-bred animals (Class A dealers), shelters in most states, and research facilities with breeding programs. The legislation simply cuts out the Class B "middleman," who acquires animals from illegal sources – stolen pets and other fraudulently obtained animals – and then sells them, often for hundreds of dollars each, to laboratories. It may actually be less costly for researchers to go directly to the legal sources to get the animals they want without having to pay the Class B dealers' inflated prices.

According to USDA, the overall number of dogs and cats used in animal research has dropped by more than two-thirds in the last three decades (about 90,000 in 2005, compared to about 280,000 in 1976). Of those, a **tiny fraction come from random source Class B dealers – only about 500 a year on average** (with a high of 1,247 and a low of 278 since 1992). Surely, the remaining demand for this relatively small number of dogs and cats can be met without having to perpetuate a system that depends on illegal sources, especially considering that approximately 3 to 4 million dogs and cats are euthanized at shelters in the U.S. each year.

MYTH: This legislation will make it too difficult for animal shelters to provide dogs and cats for research.

FACT: Under the legislation, shelters can provide dogs and cats for research as long as (1) the shelter is complying with rules already required under current law; (2) the shelter is registered with USDA (an easy process); and (3) the

dogs and cats being provided for research are obtained from their legal owners. The third restriction – which will ensure that families no longer risk having their pets unwittingly end up in experiments – is not a significant constraint on meeting current demand. Shelters already routinely identify dogs and cats from legal owners as “Owner Surrender” during their intake process, distinguishing them from other categories such as strays, animals born at the shelter, and rabies-quarantined. A quick Google search shows that **there are vastly more than enough “Owner Surrender” dogs and cats to satisfy the research community’s demand of an average of 500 random animals per year.** For example, the Austin, TX Town Lake Animal Center shelter reports intake of 7,285 “Owner Surrender” dogs and cats just in the first 9 months of 2007. In Tallahassee, FL, the Animal Service Center reported 1,625 “Owner Surrender” animals during the 8-month period October 2005 through May 2006. At the Golden Belt Humane Society in Great Bend, Kansas, “60 percent of dogs and 75 percent of cats are owner surrender,” according to an August 2007 news article. Given the volume of dogs and cats shelters obtain from legal owners, there is no reason to perpetuate the system of Class B dealer middlemen who are notorious for selling stolen pets and other fraudulently acquired animals.

MYTH: It’s premature to enact this legislation when the Senate FY 08 Labor-HHS Appropriations report requests a study on this issue.

FACT: This issue has already been studied to death. For example, the FY 2006 Agriculture Appropriations bill ended up calling for a study on this, after the Senate accepted by unanimous consent Sen. Akaka’s amendment to end the practice. The problem of stolen pets being sold into research is what Congress originally passed the Animal Welfare Act to address, more than 40 years ago. **While there were hundreds of Class B dealers of live random source dogs and cats operating in the 1980s, there are now only 10 (some of whom are under USDA investigation).** The time is ripe to finally end this business. Trying to keep track of what these shady operators are doing and prevent their notorious abuses is very labor-intensive for USDA. They’re a serious drain on the agency’s resources. And it just makes no sense for taxpayers to foot the bill for further time-consuming and expensive study of the same problem that has plagued pets and pet owners for decades.

This legislation is strongly endorsed by Dr. Robert Whitney, former Director of NIH’s National Center for Research Resources and former Deputy/Acting Surgeon General, based on his 25 years of experience in the care and use of animals in biomedical research. As Dr. Whitney has stated in letters to Congress: **“The measure is a modest, reasonable approach to ensure integrity in the supply of dogs and cats for research purposes. The legislation will in no way impede the availability of animals for research purposes, including those who are genetically diverse and/or older. Procurement offices within the laboratories will be able to purchase animals from breeders or public pounds or the institutions may opt to breed animals themselves. The legislation will close a loophole in the Animal Welfare Act thereby assuring the public that no beloved pet dog or cat might be sold for experimentation....The continued supply of dogs and cats by random source dealers is a blight on the biomedical community that can be eliminated by adoption of this moderate proposal.”** (11/5/07 letter) and **“The continued existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.”** (6/12/06 letter)

We appreciate your attention to the very real problem of stolen pets being sold for research and this carefully crafted legislation to address the problem.

For more information:

Mimi Brody, Director of Federal Affairs (202) 955-3667 / mbrody@hsus.org
Lauren Silverman, Federal Legislative Specialist (202) 955-3675 / lsilverman@hsus.org