PUPPY MILLS AND
THE ANIMAL WELFARE ACT

[ Stop Puppy Mills ]

THE HUMANE SOCIETY
OF THE UNITED STATES
For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more trust in the pet breeding industry, healthier pets and safer consumers, in addition to meeting the USDA’s statutory obligation to protect the health and welfare of animals in regulated facilities.
SUMMARY

Commercial dog breeding operations that fail to meet the basic physical, behavioral and/or psychological needs of dogs by keeping them in crowded, dirty or unhealthful conditions are commonly known as “puppy mills.”

A single puppy mill can keep hundreds of dogs closely confined in stacked wire cages for their entire lives, solely to produce puppies for the pet trade. After the breeding dogs can no longer produce puppies, they are commonly killed or abandoned. Puppy mills in the United States pump out approximately two million puppies per year for the pet trade. Due to poor husbandry at puppy mills, the puppies they sell to consumers are often sick, and many suffer from painful or life-limiting congenital disorders.

The United States Department of Agriculture (USDA) is in charge of enforcing the federal Animal Welfare Act (AWA) and its regulations, which require minimal standards of care for dogs bred for the purpose of selling their puppies to the public as pets. Any commercial pet breeder with five (5) or more breeding females is required to obtain a USDA license, and be open to regular inspections, if they sell to pet stores or to customers who don’t see the animal prior to purchase.

However, many dog breeders fail to obtain the required license, and even those who are licensed often fail to comply with the required animal care standards. Violations for issues such as failing to get proper treatment for sick or injured dogs, excessive feces, dilapidated housing and underweight or severely matted dogs are common.

Compounding the problem is the fact that the minimal standards of care for dogs that are outlined in the AWA’s regulations are outdated and insufficient. AWA standards still permit conditions that the average American today would consider inhumane, such as keeping breeding dogs continually confined in small, stacked wire cages, with little or no exercise, socialization or enrichment. AWA guidelines do not even require a continual supply of water to be provided to dogs. Penalties for failing to meet the AWA standards are weak, and the rules are sparsely and unevenly enforced. Fines are not high enough to be a deterrent, and license revocations are rare, even for licensees who have been found with sick and injured dogs again and again.

A 2010 audit of the USDA’s animal care inspections program found numerous problems with enforcement, including insufficient follow-up on dogs with severe veterinary issues.

APPROXIMATELY 2 MILLION

Estimated number of puppies sold annually who originated from puppy mills—USDA-licensed and non-USDA licensed
In September 2015, The Humane Society of the United States (HSUS), the American Society for the Prevention of Cruelty to Animals (ASPCA) and the Humane Society Veterinary Medical Association (HSVMA) submitted a rulemaking petition to the USDA that calls for ten significant reforms in basic care standards for dogs at regulated breeding operations. The reforms include: banning the use of stacked cages and harmful wire flooring, providing annual hands-on veterinary examinations and preventive care for breeding dogs, requiring that breeding dogs be given an opportunity for daily exercise and positive human interaction, requiring that dogs have continual access to potable water, protecting dogs from extreme temperatures, and doubling the minimum required cage space—which currently requires just six inches of space above and around each dog.

The petition documents in detail the scientific and rational justifications for these common-sense improvements. As of January 5, 2017, more than a year after submitting the legal petition, The HSUS and partner groups have not had an official response from the USDA, other than an acknowledgement that the petition was received.

The victims of puppy mills are not only the animals, but the many citizens who purchase sick puppies and often spend thousands of dollars in vet bills attempting to save their lives. Poor oversight of puppy mills has also led to disease outbreaks and consumer lawsuits, giving the pet industry a black eye; as of January 5, 2017, more than 200 U.S. localities have passed ordinances to ban the sale of puppies in pet stores as a result of citizens’ concerns.

American families who purchase puppies from regulated breeders expect and deserve to be ensured that the animals were raised in healthy and humane conditions. The USDA’s Animal Welfare Act regulations must be upgraded to be in line with Americans’ expectations and values, as well as the current scientific understanding of humane care.

In December 2010, a Kansas licensed breeder was forced to euthanize more than 1,200 dogs when a distemper outbreak in his kennel could not be eradicated. Others have destroyed their breeding stock due to other preventable disease outbreaks, including canine brucellosis, which is transmissible to humans.
THE ANIMAL WELFARE ACT

Because of the distance between buyer and seller, for many years the public had no information whatsoever on the conditions at large commercial dog breeding facilities that sell to pet stores. But after a tide of complaints about sick and dying puppies in pet stores, animal welfare groups began to conduct undercover investigations in the 1960s and 1970s to find out more about where pet store puppies were coming from. Their findings revealed dogs crammed into wire cages in tiny, filthy chicken coops, primarily on farms in the Midwest. The puppies produced on these farms were then transported long distances to pet stores hundreds of miles away. The investigations explained a lot about why puppies in pet stores were often sick, and raised concerns about the treatment of dogs in what came to be known as “puppy mills.”

Early investigations of puppy mills led to pet dealers being added to the Animal Welfare Act (AWA) in 1970. The AWA was signed into law in 1966 and was originally designed to protect animals used in research. It has been expanded and amended numerous times in the years since. The AWA is the only federal law in the United States that regulates the care of pets, primarily dogs, in commercial breeding operations. It also covers dogs and other types of animals used for research, exhibition, transport and/or resale. The United States Department of Agriculture is charged with enforcing the AWA and its regulations.

Dog breeders are required to become licensed by the USDA if they have five or more breeding females and sell some or all of their offspring as pets in wholesale channels, i.e., to buyers whom the breeder doesn’t meet face-to-face. These channels include pet stores, brokers who resell to others and sight-unseen internet and mail order sales. Breeders and retail pet stores that sell pets only in face-to-face transactions are exempt from federal regulation, because the buyer has an opportunity to observe the puppy prior to making a purchase.

Once licensed, commercial dog breeders must adhere to the basic standards outlined in the AWA regulations and submit to regular inspections of their animals and facilities. Inspections are conducted on a risk-based scale, with most breeders being inspected about once a year. Breeders with a history of violations may be inspected more frequently, and those with a history of compliance might only be inspected every two to three years.
INTERNAL AUDIT

The HSUS has long supported increased funding for the USDA’s animal care and inspections programs, with the understanding that staffing shortages and budget shortfalls in the USDA’s Animal and Plant Health Inspection Service (APHIS) contribute to the agency’s lack of effectiveness. But many of APHIS’s deficiencies derive from internal factors. Multiple internal audits of APHIS’s animal welfare enforcement process, including audits in 1992, 1995 and 2010, have revealed serious deficiencies that affect the safety and health of animals.

In 2010, the USDA’s Office of Inspector General released a report\(^\text{10}\) on their most recent internal audit of the USDA/APHIS’s Animal Care (AC) program of dog breeder inspections. The audit found that AC’s enforcement process was ineffective against problem dealers, that inspectors did not cite or document violations properly as needed to support enforcement actions, that penalties were minimal at best and that some high-volume dog breeders were using the Internet to circumvent the AWA entirely. Shocking color photographs taken by AC inspectors were included in the report. The photos showed dogs suffering from conditions that a reasonable person would expect to result in confiscation of the dog(s) and animal cruelty charges if the dogs had been personal pets. The photographs included a dog covered with hundreds of ticks, a dog’s food bowl crawling with cockroaches, dogs with large open wounds—one so severe that the dog’s leg bones were exposed—and puppies entrapped in wire flooring. Yet the breeders responsible for caring for the animals generally remained licensed and faced only minor warnings or fines.
The audit also found that 81% of 138 sampled breeders who were selling puppies online were taking advantage of a loophole to avoid federal oversight, and recommended: “to prevent large breeders from circumventing USDA requirements, APHIS should propose that the Secretary seek legislative change to exclude these breeders from the definition of ‘retail pet store,’ and require that all applicable breeders that sell through the Internet be regulated under AWA.”

The USDA’s Animal and Plant Health Inspection Service (APHIS) responded to the OIG report with a plan of action that involved enhanced training for inspectors and enforcement agents, better monitoring of inspector performance, correcting the application of penalties, clarification and streamlining of their confiscation and animal cruelty reporting processes, and the announcement of an intention to draft a rule to regulate Internet sellers of puppies.

One of the most promising results of the 2010 audit was a long-awaited rule regulating internet dealers as proposed in the audit. Now known as the “retail pet stores rule” and finalized in 2013, the regulation requires commercial pet breeders who sell puppies online, or by mail or phone, to buyers who are unable to see the puppy prior to purchase, to be licensed and inspected in the same way as breeders that sell to pet stores. However, many of the other reforms the agency promised have not come to pass.

![A dog in a USDA-licensed breeding facility suffering from advanced dental disease.](image1)

![Puppies with their legs dangling through wire flooring at a USDA-licensed breeding facility; the entrapment can be life-threatening if the puppies aren’t able to free themselves.](image2)

![A dog at a USDA-licensed breeding facility had a cluster of feeding ticks on her face. USDA regulations do not specifically require flea and tick prevention.](image3)
A FLAWED SYSTEM

As a result of the 2013 retail pet stores rule, the number of USDA-licensed breeders in some key puppy mill states began to rise slightly after a ten-year period of steep declines. For example, in November 2015, Missouri had 610 Class A licensed pet breeders, and as of September 2016, the number had risen to 678, a rise of more than 10% in less than a year.11 The state of Ohio had 196 Class A breeders in November 2015 and had 232 by September 2016, and Illinois went from 37 to 47 during the same time period. But the increase has not been as large as expected; the USDA had originally estimated that between 2,600 and 4,640 additional large-scale breeders may require regulation under the new rule12—an estimate that was in line with HSUS estimates. USDA should devote more resources to cracking down on pet dealers who evade oversight.

Several of the other deficiencies mentioned in the OIG report are still problematic. In 2016, the HSUS’s annual Horrible Hundred report,13 which lists problem puppy mills, documented a number of apparent problems with USDA enforcement. For example, some dog breeders found with obvious animal care deficiencies—including dogs with open, bleeding wounds, dogs with leg injuries so significant that they could not put weight on their limbs and dogs with red and encrusted eyes—were not cited by USDA inspectors with “Direct” violations. A Direct violation describes a noncompliant issue that is currently (at the time of the inspection) having a severe effect on the health and well-being of the animal, or has the high potential to have that effect in the near future, according to the USDA’s guidelines. Direct violations trigger a faster follow-up by the agency. But HSUS researchers found that breeders with similar violations were not always given the same type of citation. As a result, many breeders were not being cited with a Direct violation even when the condition of an animal clearly required immediate attention.

For example, in June 2015, a USDA inspector found two dogs at the facility of licensee Krystal Tangeman14 that had obvious, painful injuries that had not been treated. Both dogs were displaying signs of soreness and distress, yet the USDA inspector did not cite the issues as Direct. One of the dogs was a papillon who could place no weight at all on his right front foot. He was seen holding the foot up and it was swollen and had a visible wound. The second dog was a bichon frise who had “a crusted surface with a cream colored fluid discharge on the right side area where the ear would be located.” In addition to missing an ear, this same dog had an upper muzzle that was “offset to the left of the lower jaw” and the dog was seen “repeatedly licking the side of its mouth.” The dog “displayed signs of pain by being non cooperative, head-shy and refused or was unable to open its mouth when the inspector and owner tried to examine the mouth,” according to the inspection report. Despite these obvious signs of significant injury and distress...
in her animals, the licensee received no Direct violations at that visit. The violations were categorized as “non critical.”

Even among breeders cited with Direct violations, many never receive a fine; thus, failing to obtain veterinary care for a suffering animal usually carries a lower penalty than a parking ticket. A summary of AWA enforcement actions taken by APHIS in 2015 and posted on USDA’s website revealed that the vast majority of cases (181) resulted only in official written warnings, and many of those 181 cases were not related to puppy mills, but instead involved other types of animals regulated under the AWA, such as research animals. Only nine dog breeders had their USDA licenses revoked in 2016.

The HSUS’s annual Horrible Hundred reports have documented instances of breeders who had repeated AWA violations spanning many years, yet remained licensed, sometimes for decades. For example, the USDA found more than 90 dogs and puppies in need of medical attention at Donald Schrage’s Rabbit Ridge Kennel in Edina, Missouri, between April 2010 and October 2014, according to a complaint the agency filed in February 2015, yet the facility did not have its license revoked until November 2016.

10,000
Estimated number of puppy mills in the U.S. (both licensed and unlicensed)
COST OF CARING FOR ANIMALS RESCUED FROM PUPPY MILLS

138 Dogs rescued

Cost of shelter supplies
$44,205

Cost of veterinary care
$86,044

Cost of physical deployment
$407,154

Total expenses
$537,403

184 Dogs rescued

Cost of shelter supplies
$31,703

Cost of veterinary care
$58,670

Cost of physical deployment
$175,728

Total expenses
$266,101

OPPOSITE PAGE: KATHY MILANI/THE HSUS
INSUFFICIENT STANDARDS HARM CITIZENS AND BUSINESSES AS WELL AS DOGS

Animals are not the only victims of the regulations’ marginal standards:

Consumers often accrue thousands of dollars in expensive veterinary treatment when they unwittingly purchase sick or genetically defective puppies from “USDA-licensed breeders” after being falsely assured by sales staff in pet stores, or on dog breeder websites, that the license is an indication of humane care and quality. Many families face the death of their puppy shortly after purchase.19

Responsible dog breeders who provide high quality care and housing to their dogs face a competitive disadvantage when the USDA grants the same type of license to breeders who provide marginal care.

Pet stores have had to be closed and quarantined when puppies with distemper or other highly contagious diseases contaminated their store.20 They also face frequent consumer lawsuits21 for selling sick puppies from puppy mills.

Licensed dog breeding operations suffer financial peril when crowded conditions, lax biosecurity measures and poor veterinary care result in disease outbreaks that spiral out of control. For example, in December 2010 a licensed breeder in Kansas (Jeff Fortin) was forced to euthanize more than 1,200 dogs22 when a distemper outbreak in his kennel could not be eradicated. Others have destroyed their breeding stock due to other preventable disease outbreaks, including canine brucellosis, which is transmissible to humans.

The pet industry is hampered when localities pass ordinances banning the sale of puppies in pet stores. However, until consumers have confidence that puppies from USDA-licensed facilities were raised in healthy and humane conditions, the number of such ordinances will continue to rise. As of January 5, 2017, more than 200 such ordinances have been enacted, as a result of citizens’ concerns about the welfare of dogs in puppy mills and sick puppies sold in pet stores.

Animal shelters and nonprofit organizations often spend tens of thousands of dollars housing and caring for dogs discarded by commercial breeding operations. A single dog sometimes requires thousands of dollars in veterinary treatment, as well as intensive behavioral training, to make the animal healthy enough for adoption. In 2014, The HSUS reported spending more than $500,000 on the care and housing of 161 Malamutes seized from an AKC breeder’s puppy mill.23 And in 2015, the ASPCA reported spending an average of $318 to $624 on veterinary care for each dog their organization rescued from a puppy mill; if costs of the deployment itself were added to the veterinary care, the expense would rise to between $1,446 and $3,894 per animal.24
During a January 2014 inspection of the facility of Johnny Dake/J & M Kennels in Missouri, a USDA inspector found a 4-week-old shih tzu puppy frozen solid, and noted that when the owner picked up the body, “imprints from the wire flooring were observed” across the puppy’s body. The inspector noted that the puppy was found in the outdoor portion of the enclosure when overnight temperatures had recently been as low as 2 to -9 degrees Fahrenheit.
LIMITED TRANSPARENCY

The commercial pet breeding industry is keenly aware that inhumane breeders are a black eye for business. Yet instead of making efforts to weed out the bad apples among them, the industry instead pressures the USDA to soften enforcement efforts, exempt as many breeders from regulation as possible and conceal certain violations from public record.

The USDA’s inspections of licensed breeders are available online as part of the agency’s obligations under the Freedom of Information Act (FOIA). In theory, the online inspection reports should allow consumers or potential retail buyers to review the records of puppy sellers before they make a purchase. In fact, some states require pet stores to review these records and refrain from selling puppies that were obtained from breeders with severe violations. But the reports available online often don’t tell the whole story. The USDA omits information in the public reports for a variety of reasons. For example, APHIS allows inspectors to keep some kinds of violations off the inspection report if the licensee corrects the problem during an inspection. These concealed violations are known as “teachable moments.” APHIS doesn’t publish photographs of violations that are taken during the inspections; these photographs are only available through individual FOIA requests, which can take many months to over a year to receive. And APHIS temporarily removes inspection reports that a licensee has appealed, even if the appeal has not yet been found to have merit. In one instance, an Iowa breeder (Steve Kruse/Stonehenge Kennel) had his license temporarily suspended for throwing a plastic bag containing two dead puppies at a USDA inspector in December 2015—yet more than a year later, the citation that resulted in the suspension was still missing from the USDA’s website. This concealed the violation from pet stores and the public for many months. Meanwhile, the licensee only received a 21-day suspension for his reprehensible actions.

Licensees who do feel the sting of a damaged reputation due to their poor violation histories often simply switch to another license number and business name or begin operating under the name of a different family member; there is nothing in the AWA regulations that prevents them from doing so. Once they have a new name or license number, their inspection history appears compliant to the untrained observer.
RULEMAKING PETITION FOR HIGHER STANDARDS

Even if all of USDA’s enforcement issues are aggressively and effectively addressed, a core problem remains: the AWA animal care guidelines are outdated, outlining basic survival standards that fall far short of humane care. Tens of thousands of dogs in commercial breeding facilities today live in objectively harmful conditions that nonetheless comply with current regulations. The public purchases puppies from licensed breeders under the false assumption that a USDA license is a mark of quality. Sales talk repeated by pet store staff or on sellers’ websites often refers to licensed breeders as “USDA approved” breeders, implying that licensed breeders are held to a high standard. But USDA-licensed breeders can legally keep hundreds of dogs in conditions that are harmful to both their physical and psychological welfare, while remaining in full compliance with the AWA.

In the 50 years since the AWA was drafted, scientific understanding of dogs and their needs has grown, and the public’s expectations of proper dog care and welfare have improved significantly. There is also a greater understanding of zoonotic disease risks related to the intensive confinement of animals in crowded and dirty conditions, as well as new disease risks that have emerged over time.

Amending the regulations to ensure humane standards of care and safeguard the health of regulated animals is the agency’s obligation under the statute. The rule-making petition filed in September 2015 by The HSUS, HSVMA and the ASPCA urged the USDA to improve the standards of care for dogs in commercial breeding operations by adopting a number of very specific changes to the AWA regulations.
The changes would require commercial dog breeders to better meet the physical and psychological needs of dogs by:

1. **Prohibiting wire flooring**, which is uncomfortable for dogs and often entraps or injures the dogs’ feet.

2. **Doubling the minimum required cage space** for dogs; current regulations allow dogs to live their entire lives in cages only 6 inches longer than their bodies.

3. **Prohibiting the stacking of primary enclosures**. Stacked enclosures are often used to pack too many animals into a small space, and can impede air flow, block light and prevent proper sanitation.

4. **Protecting dogs from extreme temperatures**. Current regulations allow dogs to be kept in temperatures below 45 degrees or above 85 degrees Fahrenheit for up to four hours at a time.

5. **Protecting dogs from excessive breeding to the point of physical depletion**. Current regulations have no limit on how frequently a dog can be bred, and female dogs are often bred repeatedly without rest. In addition, they are not screened for inheritable disorders that can harm their offspring.

6. **Requiring regular veterinary exams, core vaccinations and preventive care, and prohibiting the unlicensed practice of veterinary medicine in breeding operations**. Current AWA regulations only require a written “program of veterinary care” and do not require a routine hands-on examination of each breeding dog annually, nor do they require core vaccinations, parasite control or basic grooming.

7. **Ensuring that dogs have an opportunity to exercise for their health and wellbeing**. Current rules allow dogs to be kept in small cages 24 hours a day, 365 days a year, as long as certain parameters for cage size are met. The petition recommends that dogs have access to an exercise area during daylight hours.

8. **Requiring that dogs have regular socialization**. New proposed rules would require at least 30 minutes per day of positive social interaction with humans to address the mental and behavioral needs of dogs.

9. **Encouraging the re-homing of retired breeding dogs and unsellable puppies**. Current regulations do nothing to protect unsellable or un-breedable dogs who are otherwise healthy from being destroyed or abandoned.

10. **Requiring dogs to have continuous access to water**; current regulations allow breeders to provide water as infrequently as twice per day; the proposed changes would require that clean, drinkable water be available at all times.

3 MILLION

Estimated number of dogs and cats euthanized by shelters every year in the U.S.1

Painful foot injuries are often the result of forcing dogs to live continually on wire flooring.
“[A] 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.”

—USDA inspection report for an Indiana breeder, 2012
SCIENCE SUPPORTS IMPROVED STANDARDS

A three-year study by Purdue University’s Center for Animal Welfare provides science-based support for improved standards. The Purdue study was created independently with funding from the pet industry and support from the USDA. Although national animal welfare organizations were not invited to participate in the study, the preliminary findings nevertheless support some common areas of agreement.

Research gathered as part of the Purdue study indicates that:

- Dogs in a kennel environment are prone to fear, boredom, frustration or social isolation, which can be detrimental to their welfare.
- Dogs maintained long-term in kennels/cages require sufficient space and exercise to promote mental and physical health.
- Knowledgeable caretakers and positive human interaction are vital components to the well-being of dogs; social behaviors such as play are indications of positive welfare in a dog.
- Ambient temperatures that are too hot or too cold for dogs can be stressful and cause harm; research shows most dogs are comfortable in temperatures between 64.4 and 84.2 degrees Fahrenheit.
- Ventilation and airflow are critical for providing positive welfare; studies show that dogs exposed to ammonia (from decomposing wastes) can experience eye and nasal irritation.
- Periodontal disease is one of the most under-treated canine health conditions and has widespread effects on canine health.
- Canines often show a preference for solid flooring over wire flooring when provided a choice, and flooring is an important component of foot health and proper sanitation.
- Diseases such as canine brucellosis are on the rise in commercial breeding kennels, have been spread via the interstate trade in dogs and are transmissible to humans, yet 35% of commercial breeders do not test for the disease.

Purdue’s study is still ongoing but it claims that the final standards will address some of the points above.

When completed, Purdue’s recommendations will purportedly be the foundation of a national voluntary program which is already being promoted by the pet industry under the moniker Canine Care Certified. But many commercial dog breeding operators will not raise their standards voluntarily, and even if they were to agree to do so it is not clear whether there would be any independent mechanism for enforcement or transparency for the public’s sake. Keeping dogs in close confinement and breeding them without limit is more conducive to faster short-term profits. These substandard operations have an unfair advantage over quality breeders who devote time and expense to creating a healthy and humane environment for their dogs.

The logical conclusion is that improved standards must be codified and evenly applied to all regulated dealers in order to be both fair and effective.
EVIDENCE SHOWS DOGS ARE HARMED UNDER EXISTING STANDARDS

There is ample evidence that dogs in regulated breeding facilities are harmed under existing standards.

CURRENT USDA FLOORING REGULATIONS DO NOT PROTECT AGAINST INJURY.

Leg and foot injuries are one of the most common canine veterinary problems documented by USDA inspectors. Dogs have been found with painful swellings on their feet or between the toe pads of their paws. These injuries often take the form of interdigital cysts. The cysts between the toes sometimes burst, leading to pain, distress and risk of infection. Inspectors have found dogs bleeding from their feet, or holding up one leg to avoid putting weight on the injury, according to USDA inspection reports. Dogs have also been injured or killed when their legs became trapped by gaps in wire or gridded flooring. Puppies have been found dead or dying with all four legs hanging through the wire openings, unable to reach food or water.

Commercial breeders use wire or gridded flooring as a sanitation shortcut because it allows urine and feces to pass through the openings; yet any openings that are large enough to allow feces to pass through are large enough to trap all or part of a dog's paw.

The American Kennel Club (AKC) states its preference for solid flooring in its Care and Conditions of Dogs policy. Studies of dogs in laboratory settings and canines in fur farms found that, given access to multiple flooring types, canines prefer solid flooring. And a task force with the Association of Shelter Veterinarians charged with drafting guidelines for the care of animals in shelters concluded that “wire-mesh bottom floors in cages are not acceptable for cats and dogs.”

CURRENT PRIMARY ENCLOSURE SIZES DO NOT ALLOW DOGS TO PERFORM A RANGE OF NATURAL BEHAVIORS.

Video evidence shows dogs in commercial breeding facilities running in circles and barking continually, exhibiting signs of psychological stress in kenneled dogs that are often referred to as “cage crazy” behavior.

A primary enclosure of the minimum size allowed under current regulations is far too small for a dog to live in comfortably for most of his or her life. Under current regulations, a breeding dog may be kept in a cage only about 6 inches longer than her body length, from the base of the tail to the tip of the nose, for her entire life. This does not allow the dog enough space to run, play or even create distance between herself and her bodily wastes. It does not give the dog enough space to retreat from distressing noises or events, or from any unwanted behaviors of other dogs in the enclosure.

Science tells us that dogs require exercise, and the ability to retreat from distressing stimuli, to promote their physical and mental health. Understanding this fact, several states have already passed laws requiring the dogs have up to six times more space than current USDA minimum requirements.
STACKING OF PRIMARY ENCLOSURES LEADS TO POOR AIR QUALITY AND OVERCROWDING.

Housing dogs in multiple tiers of enclosures has many harmful effects. By its nature, cage-stacking is designed to crowd more dogs into a space than natural circumstances would allow. Stacking cages reduces airflow and light, especially in indoor kennels.

Cage-stacking often results in poor air quality. Because many animals are eliminating in a small area, the ammonia fumes from decomposing urine and feces often build up to levels that are harmful to breathe. USDA inspectors exposed to these conditions often note a burning sensation in their eyes, nose or throat after just a short period of exposure, according to federal inspection reports. For example, on an inspection report for an Iowa breeder in January 2016 (facility of Henry Sommers), APHIS staff noted a “strong animal waste odor and an increase in the ammonia level” upon entering a building where dogs were kept, whereupon “one inspector felt a burning sensation in her eyes and the other inspector felt a burning sensation in her throat.” Another inspector described “a burning and stinging sensation to the eyes and nasal cavity upon entering” a Missouri facility (facility of Pamela Baldwin, March 2016).

Stacked cages can also allow wastes from the top tier of cages to rain down on the animals in the lower levels, an issue that has also been documented in USDA inspection reports. Simply having a solid barrier between the tiers does not eliminate the risk, as materials splatter during cleaning and movement.

Several states have already passed measures to eliminate or limit cage stacking due to animal welfare concerns.47

Current USDA minimum guidelines require just 6" of space above the dog’s head and in front of her nose.
CURRENT REGULATIONS ALLOW DOGS TO BE KEPT IN FRIGID OR SWEATING TEMPERATURES FOR EXTENDED PERIODS.

Current AWA regulations allow temperatures at dog breeding facilities to fall below 45 degrees Fahrenheit or above 85 degrees Fahrenheit for up to four consecutive hours—long enough for a short-haired dog to freeze to death or a heavily-coated dog to expire in the heat. Even dogs whose lives are not threatened by the extreme temperatures can still experience distress and discomfort for long periods of time.

USDA inspection records document cases in which inspectors have found dogs shivering in below freezing temperatures, deceased dogs frozen solid outside in the cold and dogs panting heavily in conditions where the heat index was over 100 degrees Fahrenheit. For example, during a January 2014 inspection of the facility of Johnny Dake/J & M Kennels in Missouri, a USDA inspector found a 4-week-old shih tzu puppy frozen solid, and noted that when the owner picked up the body, “imprints from the wire flooring were observed” across the puppy’s body. The inspector noted that the puppy was found in the outdoor portion of the enclosure when overnight temperatures had recently been as low as 2 to -9 degrees Fahrenheit. And during a July 2016 visit to a Missouri breeder (Josh L. Souza), inspectors found dogs that were “panting heavily and had lolling tongues” on a day when the ambient temperature was 94.4 degrees with a heat index measuring 127 degrees Fahrenheit. One of the dogs was “lying in her water bowl” in an apparent attempt to keep cool.

Science indicates that dogs need stronger protections from extreme temperatures. In a paper entitled “Promoting the Welfare of Kenned Dogs: Environmental Considerations,” writers from the Purdue College of Veterinary Medicine noted that the recommended room temperature for most dogs is between 64.4 and 84.2 degrees Fahrenheit.

The USDA must at the very least eliminate the four-hour rule. This would have the added benefit of making the regulation easier for inspectors to enforce.

Ambient temperatures that are too hot or too cold for dogs can be stressful and cause harm; research shows most dogs are comfortable in temperatures between 64.4 and 84.2 degrees Fahrenheit. USDA guidelines allow dogs to be kept in temperatures below 45 degrees or above 85 degrees for up to four consecutive hours.
CURRENT REGULATIONS ALLOW DOGS TO BE BRED REPEATEDLY AND EXCESSIVELY, AND DO NOT REQUIRE SCREENING FOR INHERITABLE DEFECTS.

Under current law, there is no limit on how frequently a dog may be bred or how many litters she may be forced to produce in her lifetime. Yet the majority of American Kennel Club (AKC) recognized national dog breed clubs, including the National Beagle Club of America, the American Boxer Club, the German Shepherd Dog Club of America, the Yorkshire Terrier Club of America and more than 100 other clubs, recommend against overbreeding female dogs, typically recommending that they produce no more than three consecutive litters and/or take a rest between consecutive breeding cycles to allow their bodies to recover from the stress of whelping, nursing and raising puppies.

The rulemaking petition requests that USDA restrict breeding to a maximum of two litters per 18-month period, and no more than six litters per each female’s lifetime. The rule should also require that females be at least 18 months of age before breeding, to allow them to become full grown and skeletally mature.

The petition also requests new regulations to require screening of dogs for inheritable diseases that can be passed on to the puppies and that can significantly affect their lifespan or quality of life, or cause pain and suffering to the affected animals. Ample complaints from consumers received by The HSUS and other animal welfare organizations indicate that puppies from licensed facilities often suffer from expensive and painful inherited physical defects due to a lack of regulations that require any screening of breeding dogs for common genetic conditions.

VETERINARY CARE VIOLATIONS
between April 28, 2010, and December 30, 2013

2,014
Total number of inspection reports and warning letters issued during sample period

A | Improper or outdated medication 23% » 455 Citations
B | Eye problems (discharge, cherry eye, cloudy eye or similar) 22% » 442 Citations
C | Dental disease or condition 22% » 438 Citations
D | Mats in fur 19% » 386 Citations
E | Failure to access vet care 16% » 329 Citations
F | Nails (too long or other issue) 11% » 220 Citations
G | Hair loss 9% » 185 Citations
H | Lameness 9% » 173 Citations
I | Skin problems 7% » 135 Citations
J | Ear problems 5% » 99 Citations
CURRENT REGULATIONS DO NOT ENSURE THAT DOGS ARE REGULARLY EXAMINED BY A VET, PROVIDED WITH CORE VACCINATIONS OR REGULARLY GROOMED.

Millions of U.S. dog owners and their veterinarians know that regular veterinary examinations, vaccinations and preventive parasite treatments are the tenets of proper dog care. The American Veterinary Medical Association advises that “the use of vaccination is essential to the health of veterinary patients as well as the general public.” Yet current AWA regulations only require an annual walk-through of each facility by a veterinarian and a written program of care on file signed by the veterinarian. They list no specific vaccination requirements and there is no requirement that the dogs be removed from their cages or individually examined at any time in their lives.

For example, a USDA inspection report of an Indiana breeder (Joseph and Rhoda Graber, August 2012) noted a puppy who suffered a life-threatening injury five days before the inspection and was overlooked by the visiting vet during his walk-through visit just the day after the injury: “[A] 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.” The puppy was later euthanized due to the severity of the injury.

A study of more than 2,000 USDA inspection reports and warning letters issued to licensed breeders between April 2010 and December 2013 found that 23% of the cited breeders were found with improper or outdated medication, 22% were cited for dogs with eye problems (eye discharge, cloudy eyes, etc.), 22% were cited for dogs with dental disease, 19% were cited for dogs with matted fur and 16% were cited for failure to obtain needed veterinary care.

Although 22% of veterinary care citations received by dog breeders are for dental issues and 19% for matted fur, the AWA regulations contain no specific rules requiring dental care or grooming of dogs. Inspectors have repeatedly found dogs with missing teeth, swollen and bleeding gums and sometimes even disintegration of the jawbone due to advanced decay. For example, a pomeranian dog found at the facility of Sarah Young/Clear Springs Kennel in June 2014 “did not have any teeth and the jaw bone on the left side was partially missing and detached from the gums leaving the bone exposed,” according to the USDA inspection report.

Grooming problems can also lead to significant discomfort in dogs. Some animals have been found with baseball-sized matted balls of hair and feces hanging from their bodies, or fur and debris so severely tangled together in their coats that they were unable to walk properly, pass feces or wag their tails. For example, a poodle observed by a USDA inspector at a Missouri facility (Valente Rios, Jan. 2012) had “significant matting on his legs and fecal material entangled with the hair around the dog’s 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 [and] is causing it to partially block the dog’s ability to completely void the fecal matter.” Many other dogs were found during the same inspection suffering in a similar condition.

Current regulations also fail to address the unlicensed practice of veterinary medicine by breeders who routinely perform their own do-it-yourself surgeries such as ear cropping, tail docking and caesarian sections to cut costs. When a USDA inspector found dirty wire cutters at the facility of a breeder in Missouri, the breeder admitted that he used them to remove dewclaws in puppies, which is a surgical procedure (David and Esther Troyer, Nov. 2012). And a USDA inspector visiting an Iowa breeder (Carla Couchman, Dec. 2015) uncovered a makeshift surgical area in a cluttered, unsanitary shed-like building, in which a “surgical table” was dirty and stained with blood. The regulations must be updated to provide stronger guidance to breeders on proper veterinary care, including guidance on which procedures must be performed by a trained veterinarian.
CURRENT REGULATIONS DO NOT REQUIRE DOGS TO BE LET OUT OF THEIR CAGES FOR EXERCISE.

Research shows that exercise is imperative for dogs’ good health and that the type of continuous spatial restriction and confinement currently allowed under the AWA regulations is associated with physical and psychological stress in dogs. The current regulations do not require dogs to be let outside of their cages for exercise for any specific period of time or at regular intervals.

The history of the AWA and its regulations show an intent from both Congress and USDA to provide much more opportunity for dogs to exercise. Yet current rules are easy to skirt because they only require a written exercise plan signed by a veterinarian to be kept on file at the facility. The regulation is extremely difficult to enforce because inspectors, who may visit just once a year, are unable to see whether the dogs are ever taken out of their cages.

If a licensee does not have an exercise plan on file, they must provide moderately larger cages, but nothing in the regulations requires licensees to have the dogs walked or give them access to a dog run. The proposed rules would require that all dogs, unless they are under veterinary orders to refrain from exercise, have unfettered access to an exercise area during daylight hours, rather than being continually caged.

CURRENT REGULATIONS DO NOT ADEQUATELY ADDRESS DOGS’ SOCIALIZATION NEEDS.

One of the primary reasons that dogs have been close companions of mankind for thousands of years is that dogs are extremely social animals. Studies of stress in kenneled dogs indicate that positive human contact can reduce anxiety and distress in dogs and improve their behavioral health. Hormones such as dopamine, oxytocin and prolactin are measurably increased in dogs who experience positive interactions with humans. Dogs allowed to socially interact with other dogs also show fewer signs of stress and anxiety. These interactions are important for dogs’ mental wellbeing, and their social welfare is essential for making them suitable as future pets and companions. Yet current AWA regulations do not require a specific amount of human contact for dogs, except for those that are isolated and have no contact with other dogs.

The HSUS’s rulemaking petition recommends that dogs receive at least 30 minutes per day of positive interaction with humans and with other compatible dogs, defining “positive interaction with a human” as “petting, stroking, grooming, feeding, playing with or exercising.”

Photographs taken by USDA inspectors included a dog covered with hundreds of ticks, a dog’s food bowl crawling with cockroaches and dogs with large open wounds—one so severe that the dog’s leg bones were exposed—and puppies entrapped in wire flooring. Yet the breeders responsible for caring for the animals sometimes faced only minor warnings or fines.
“When water was offered during the inspection, many of the dogs drank voraciously in a manner that indicated that they were extremely thirsty. One dog was timed drinking for a total of 2 minutes and 15 seconds. The temperature at the time of inspection was over 90 degrees.”
—USDA inspection report for a Kansas breeder, 2012
PUPPY MILLS AND THE ANIMAL WELFARE ACT

CURRENT REGULATIONS DO NOT PROTECT UNBREEDABLE OR UNSELLABLE DOGS FROM BEING ABANDONED OR DESTROYED.

In September 2016, a 9-year-old girl visiting an Iowa landfill with her mother spotted approximately a dozen purebred dogs lying dead in a dumpster, according to news reports. The dogs were later traced to a veterinarian, who had legally euthanized the unwanted animals, most likely at the request of a commercial breeder. Despite public concerns over the seemingly callous act, no charges were filed because the practice was completely legal, according to the local police department. The instance was just one recent event in which unwanted puppy mill dogs were killed and discarded like household trash.

No regulation exists to protect dogs in commercial breeding operations who are no longer producing puppies, or puppies that the facilities are unable to sell. Breeders are only required to keep records listing how they disposed of such dogs. As a result, these unwanted dogs, even if they are otherwise healthy, are often left in poor conditions, destroyed or abandoned, without any effort to find them a home. The treatment of these animals is callous and inhumane. Although euthanasia is an option, there is no medical need to euthanize these dogs. Many dogs who would otherwise make good companions are killed or abandoned merely because they are no longer profitable.

The petition requests a new section in the AWA regulations that would require breeders to make all reasonable efforts to find placement for unwanted dogs with individuals, rescue organizations or other appropriate owners. Euthanasia should only be permitted as a last resort, and should be performed only by a licensed veterinarian.

CURRENT REGULATIONS DO NOT REQUIRE WATER TO BE PROVIDED TO DOGS CONTINUALLY.

Clean water is a basic component of survival for all animals. But current AWA regulations do not require that potable water be provided on a continual basis. Instead, regulations permit breeders to provide water just twice a day or “as often as necessary,” a vague requirement that makes enforcement extremely difficult. The regulations do not even require that the water be unfrozen.

USDA inspection reports show an effort by inspectors to determine whether certain dogs have been left without water for an extended time. Inspectors who find dogs without water are often told by the licensee that the dog had water recently. To substantiate a suspicion that the dogs have not had water for an extended time, inspectors must resort to instructing the licensee to provide water, and then watching and documenting how anxious the dog is to receive and drink the water. This puts an unfair burden on inspectors and makes enforcement onerous.

For example, during an inspection of a Kansas breeder in July 2012 (Keith and Lila Ratzlaff), a USDA inspector noted that at least nine dogs didn’t have any water. According to the USDA report, “when water was offered during the inspection, many of the dogs drank voraciously in a manner that indicated that they were extremely thirsty. One dog was timed drinking for a total of 2 minutes and 15 seconds. The temperature at the time of inspection was over 90 degrees.”

The rules should be updated to require that all regulated animals have continual access to clean, potable water, with exceptions only for specific veterinary reasons.
The public supports quality dog care

The pet industry, USDA, Congress and animal welfare organizations agree on one fact: consumers care greatly about how puppies are bred and raised.62 An Edge Research survey commissioned by the ASPCA63 found that more than 90 percent of respondents believed dogs in commercial breeding operations should have access to veterinary care, the opportunity to exercise daily, a chance to go outdoors and cages that give them more than 6 inches of space in each direction, among other provisions.

The results of a successful ballot initiative in Missouri in 2010, Proposition B, otherwise known as the Puppy Mill Cruelty Prevention Act, showed that the majority of voters supported improved standards for dog breeders that exceed the USDA requirements, even in a state known for its support of agricultural interests and commercial dog breeding.64 And as of September 7, 2016, more than 90,000 people had signed letters and petitions directed to U.S. Secretary of Agriculture Tom Vilsack, urging him to issue and complete the rulemaking requested by The HSUS, HSVMA and ASPCA in their 2015 petition.65

For its part, the USDA has admitted that the AWA regulations fall far below ideal care standards. In a statement on their website responding to a question about the retail pet stores rule, USDA noted, “we do not ‘certify’ establishments…a USDA license is not a ‘seal of approval’ but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities.”

The USDA has repeatedly asserted that their regulations and standards are minimum requirements that regulated businesses should strive to exceed. Yet the agency is mandated to ensure the humane treatment of regulated animals, not simply ensure survival conditions. The minimum standards must be improved to ensure they are stronger, clearer and more enforceable.
ADMINISTRATION MUST PUSH FOR UPGRADED STANDARDS

For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more robust pet breeding operations, healthier pets and safer consumers, in addition to meeting the USDA’s statutory obligation to protect the health and welfare of animals in regulated facilities.

USDA is urged to promulgate a rule that will encompass the improvements outlined in The HSUS’s September 2015 rulemaking petition. The Administration can also help by supporting stronger enforcement of the AWA and its regulations, and by recommending that Congress increase funding for USDA so that it can properly carry out its obligations.

 STATES WITH COMMERCIAL KENNEL LAWS THAT EXCEED USDA STANDARDS  as of October 2016

- Bans or limits wire flooring
- Bans or limits cage stacking
- Bans or limits wire flooring & cage stacking

$500,000
Estimated cost of a puppy mill bust involving 250 animals¹
REFERENCES


4 Ibid.


7 Ibid.


11 Numbers were extracted from the USDA’s online database of licensees by HSUS staff on the dates mentioned. Only active licensees were counted.


14 USDA inspection of licensee Krystal Tangeman, USDA #48-A-2120, quoted in “A Horrible Hundred 2016,” humanesociety.org/100puppymills


17 According to data gathered by The HSUS from the USDA website, last accessed on Oct. 14, 2016. AWA Enforcement actions are posted on the agency’s website at aphis.usda.gov/aphis/ourfocus/animalwelfare/enforcementactions

18 AWA Docket #15-0081 (Feb 26, 2015); online at aphis.usda.gov/foia/enforcement_actions/2015/February/AWA/Complaints/MO10023_AC_Complaint%20for%20Donald%20Schrage_Redacted.pdf (last accessed on Oct. 24, 2016).


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24 HSUS Petition for Rulemaking, Exhibit J: “Economic Analysis of Veterinary Care for Rescued Dogs.”


30 As of Jan. 5, 2017.


32 Ibid.


37 Ibid.


41 CanineCareCertified.org


43 Letter from Lila Miller, Vice President of Shelter Medicine, ASPCA, to the Pennsylvania Department of Agriculture Canine Health Board, May 25, 2010.

45 C.F.R.§ 3.6 Primary Enclosures
46 Mo. Code Regs. Ann. tit. 2, § 30-9.030(1)(F) (requiring six times amount of federally required floor space for all singly housed dogs); see also compilation of state puppy mill laws on HSUS website, humanesociety.org/pmlaws
47 Ibid.
48 C.F.R.§ 3.2 Indoor Housing Facilities & 3.3 Sheltered Housing Facilities.
The Administration can help by supporting stronger enforcement of the AWA and its regulations, and by recommending that Congress increase funding for USDA so that it can properly carry out its obligations. USDA priorities should include:

- A plan to respond to the legal petition for higher standards of care in federally licensed dog breeding facilities, including opening the petition to public comment.
- Greater emphasis on getting unlicensed pet breeders, including Internet sellers, licensed under the retail pet stores rule.
- A plan to crack down more firmly and expeditiously on violators of the AWA regulations by streamlining the enforcement process.
ABOUT THE HSUS

The Humane Society of the United States is the nation’s most effective animal protection organization. Since 1954, The HSUS has been fighting for the protection of all animals through advocacy, education and hands-on programs, is rated the top animal organization by our peers, and receives high marks from charity evaluators. Together with our affiliates, we rescue and care for tens of thousands of animals each year, but our primary mission is to prevent cruelty before it occurs. We’re there for all animals, across America and around the world.