

# LETTERS TO THE EDITOR

## *USDA and the Dog Breeding Industry*

"History and Development of the Federal Animal Welfare Regulations" by Pierre Chaloux and Max Heppner, which appeared in your September/October 1980 issue, is a typical example of the kind of public relations arguments that the United States Department of Agriculture has been foisting upon Americans for years.

The most objectionable part of the article was the section entitled "Accomplishments" in which is listed the achievements wrought by the USDA toward improving animal welfare. The article states that the USDA succeeded in explaining the rationale for improved animal welfare to regulated industries, which almost invariably led to a commitment for specific improvements by industry organizations such as the Midwest Professional Pet Distributors Association. In fact, the aforementioned organization has *never* made a commitment for specific improvements in the industry, but instead has vigorously opposed and sought to hinder the progress of animal welfare in the commercial dog breeding industry. The USDA's claim is not only a complete aberration from the truth, but is truly startling when you consider that the co-author of this statement, Dr. Chaloux, was present at a USDA hearing on Animal Welfare Act regulations on July 10, 1980, which I also attended. At that time, the officers and members of the Midwest Professional Pet Distributors Association vociferously attacked the Animal Welfare Act, its regulations, and any proposal to protect the welfare of animals.

The second accomplishment which the USDA claims to have effected was the upgrading of animal care resulting from on-site inspections by departmental personnel. This assessment might be correct in a few isolated cases, but to give the impression that the USDA has upgraded the

care of animals in the commercial dog breeding industry to any significant degree would be a grave deception.

One need only review the weekly reports in the media exposing the inhumane conditions of "puppy mills" which are prevalent throughout the Midwest to realize the gross deficiencies of the USDA's on-site inspection programs. A recent investigation by the Humane Society of Missouri discovered that of the fifty dog breeding establishments that they inspected, only six were in compliance with regulations promulgated by the Animal Welfare Act, although all fifty were licensed and regulated by the USDA. While the Humane Society of Missouri's evaluation might be accused of bias, it should be noted that an investigative reporter from the *St. Louis Post-Dispatch* recently visited fifteen kennels licensed by the USDA and found that none met all of the Department of Agriculture's regulations and that thirteen of the fifteen were considered by the reporter to be "very bad." The *St. Louis Post-Dispatch* disclosed that the USDA inspectors were not only ignoring deficiencies, but were very callous in their approach to animal welfare and some were actually hostile towards the Animal Welfare Act. A St. Louis television station, KTVI-TV, dramatically exposed the USDA's attitude towards animal welfare when the station televised the establishment of a "fake" dog breeding kennel with intentional gross violations of the Animal Welfare Act. In front of the hidden camera, a USDA inspector approved the kennel for a federal license authorizing it to raise and sell dogs despite glaring deficiencies.

These are not isolated instances, as humane societies and news media throughout the country have continually depicted the inhumane conditions of licensed dog breeders and the indifference USDA inspectors have exhibited when confronted with violations of the Animal Welfare Act's regulations. Even the prestigious *Wall Street Journal* (10/19/79) accused the Department of Agriculture of neglect and lethargy in their enforcement of the Animal Welfare Act.

The third achievement which Dr. Chaloux and Mr. Heppner credit the USDA for accomplishing was the "number of enterprises that cease operation once new rules go into effect." The assumption made by the authors is that substandard establishments which fail to apply for a license, or those which surrender their license, are ceasing operations. In fact, this seldom is the case. Not only has the USDA exercised minimal effort in enforcing regulations, but they have rarely made an effort to compel dealers to obtain a license. For all practical purposes, the licensing of dealers is strictly on a voluntary basis, which results in countless unlicensed dealers operating with no restraints or controls on the way they care for their animals. Conservative estimates have indicated that there are as many unlicensed kennels as there are licensed ones.

A true assessment of the USDA's accomplishments could be ascertained by reviewing the number of prosecutions and convictions for violations of the Animal Welfare Act regulations. According to figures cited in the article, there were only one hundred and twenty-four animal welfare violations which were resolved in court or through administrative proceedings since 1967. This averages out to be less than ten prosecutions and convictions per year. According to the USDA's own admission (*Wall Street Journal*, 10/19/79), "25% of the thirty-five hundred federally licensed kennels are unhealthy." Using the Department of Agriculture's extremely conservative estimate, there are approximately eight hundred and seventy-five licensed kennels which are in violation of the Animal Welfare Act, and less than ten a year are penalized for failure to comply. Such a dismal record could hardly be considered an "accomplishment" of which Dr. Chaloux and Mr. Heppner so proudly boast.

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*We are pleased to see that our article on federal animal welfare regulations continues to draw interest. Humanely motivated persons can do much to help us improve animal care enforcement, especially when, like Ms. Brown, they live in an area where many USDA-licensed dealers operate.*

*As she indicates, last spring we received word that 51 puppy breeders had been checked for compliance with the Animal Welfare Act by agents of the Humane Society of Missouri, aided by the American Humane Association and others. The report we received listed 44 premises alleged to be in violation, with a total of 419 deficiencies. The other seven facilities visited were reported to be in full compliance.*

*We sent our own inspectors to each of the 44 premises on which we received complaints, in accordance with our policy to give complaints first priority for inspection. We substantiated a total of 155 deficiencies for 43 premises. Deadlines were set as usual for the correction of the deficiencies, and follow-up inspections were scheduled to see the deadlines were met.*

*The follow-up inspections were interrupted because no funds were available for inspection in Missouri during part of July and all of August, September and October. Since November, the follow-ups were rescheduled as quickly as possible.*

*So far, we found that 10 of the deficient facilities have attained full compliance. Eight of the dealers involved elected to cancel or terminate their licenses. Two clearly were unwilling or unable to comply, and we have submitted their names for possible legal action. On the average, about 80 percent of the problems identified have been corrected on the remaining 23 premises. We may have to resort to legal action to resolve some of the outstanding deficiencies—especially in the case of the few major violations involved.*

*The Wall Street Journal article of last October misquoted our assessment of the overall compliance among puppy breeding kennels. We estimated that perhaps 25 percent of them had one or more violations of our standards, but that*

doesn't mean that all the facilities involved are "unhealthy," as the *Journal* said.

Most of the violations we find are minor, and only a small number of them involve unhealthy conditions or inhumane practices. So, while unhealthy kennels exist, they represent a small percentage of the total and most licensed facilities meet our requirements.

APHIS, like other agencies involved in enforcing federal regulations, is strongly affected by the era we are now entering, in which tight limits are being placed on funds available for enforcement activities. We will depend increasingly on help from concerned citizens to improve conditions for animals. We particularly need the active support of both humane organizations and industry groups to raise the standards of dog-breeding kennels.

We stress this point continually in meetings with breeders, wholesalers, transporters, and retailers who make up the marketing chain of puppies sold as pets. We regret as much as Ms. Brown some disparaging remarks made by members of the Midwest Professional Pet Distributors Association at the July 10 industry meeting in Kansas City. However, we know these remarks were made in the heat of debate, and they are certainly not to be taken as the official policy of this industry group. The leaders of this organization have taken the basically positive approach cited in our article, once they understood that APHIS inspectors are a resource for improving the industry, not an enemy.

The MPPDA has strong leadership from dog brokers—the people who buy puppies in the Midwest and ship them to urban centers. We have had positive assurance from these people that they will work for a steady upgrading of the puppies they buy. They also are working with the owners of retail pet shop owners to educate them against buying inferior or poorly cared-for puppies. We see evidence that the industry is swinging to our support, and this development is a major reason we are hopeful our society will eliminate the substandard breeding kennels that have received and deserved bad publicity.

There are a number of ways in which humane societies also can get involved in improving conditions at dog kennels.

First, humanitarians living in urban areas can suggest to pet shop owners that they stop buying substandard puppies. Pet shop owners who see unsatisfactory animals shipped in should insist that their broker eliminate the breeder who supplied them. And pet shop owners also should stop buying animals shipped in without USDA-approved dog tags or ear tattoos, since they are almost sure to come from an illicit source.

The 1976 amendments to the Animal Welfare Act strengthen the retailer's hand in dealing with brokers. Puppies may not be shipped COD to pet stores without assurance from the shipper that return transportation and interim care will be provided for unacceptable animals. So if puppies arrive sick or in poor condition, they can be refused without fear that the animals will be abandoned. The store owner can call upon the nearest APHIS office to help arrange for the care of unacceptable puppies whose fate seems uncertain.

Humanitarians living near puppy producers also could help us solve another problem, which has not been discussed much in public. Some breeding enterprises are run by elderly people with limited income, who are too infirm to provide proper care for the animals. We are facing the uncomfortable decision either of being inhumane toward these elderly people by cutting off their major source of income or of being inhumane toward their animals by condoning the substandard treatment they receive.

Such cases cry out for volunteers who like to work with animals and would like to provide a double act of charity—toward the hard-pressed aged and to the dogs they keep. We would be extremely pleased to have Ms. Brown and other humanely motivated people in her area volunteer to help alleviate this problem.

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