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April 30, 2014

Milwaukee City Council – Public Safety Committee
City Hall
200 E. Wells Street, Room 205
Milwaukee, WI 53202

Honorable City Aldermen:

On behalf of the Humane Society of the United States (HSUS) I am writing in support of Milwaukee's proposed ordinance to prohibit the sale of puppy mill dogs in pet stores.

The HSUS opposes the sale of puppies bred in inhumane conditions everywhere that they are sold, including in Milwaukee pet shops.

- **Most pet stores sell puppies from inhumane sources**

The Humane Society of the United States has conducted numerous hidden-camera investigations¹²³ which consistently reveal that pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders known as puppy mills. The investigations have revealed:

- All stores videotaped by HSUS investigators purchased their puppies from large-scale commercial breeding facilities, despite specific claims of “no puppy mills” or misleading statements implying that their sources were small “private breeders.” When HSUS investigators filmed some of these breeding facilities they found hundreds of dogs confined to small cages.
- All of the stores visited by investigators were found to be buying puppies from suppliers with known Animal Welfare Act violations, including some with citations for filthy conditions, lack of adequate space, underweight breeding animals, dogs found in the freezing cold or high heat without adequate weather protection, or sick or injured dogs in need of veterinary care.

- **Problems associated with pet shop puppy sales**

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled “Little

¹ Can be found at:

http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html#UvkvXWJdWAg

² Can be found at: http://www.humanesociety.org/news/press_releases/2012/12/puppy-mill-investigation-chicago-121012.html

³ Can be found at: http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/investigation-report-texas.pdf

Shop of Sorrows”⁴ was produced: 44% of the locations visited had sick and neglected animals, 32% of the animals were confined in unhealthy, cramped, or crowded conditions and 25% of the animals didn’t even have adequate food or water.

A landmark 2011 study appearing in *Applied Animal Behavior Science* analyzed behavioral characteristics of 1,100 dogs rescued from puppy mills who had been in their new homes an average of 2 years, and found that the dogs had significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched⁵.

Most recently, a 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”⁶ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

- **Federal laws and regulations are insufficient to prevent the proliferation of dogs sourced from inhumane origins**

The federal Animal Welfare Act provides survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements and can be built upon by the states (See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.). Indeed, the agency’s own Animal Welfare Act Fact Sheet⁷ states “*Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.*”

The Act ignores veterinary science regarding dogs’ needs. To cite just two examples:

- The American College of Theriogenologists (ACT) and Society for Theriogenology (SFT) recommend that breeding females should not be bred on consecutive estrous cycles unless they have regained appropriate body condition and “are deemed healthy on the basis of veterinarian examination prior to the onset of the next proestrus,”⁸ and that dogs not be bred more than 5 times in a lifetime.⁹ ¹⁰Similarly, the American Kennel Club says “One month before breeding, the bitch should have a thorough pre-breeding physical examination by a veterinarian.” Yet the AWA offers no restriction on litter frequency or limitation.

⁴ Animal Welfare Institute, “*Little Shop of Sorrows: An Undercover Investigation into California Pet Shops*,” http://www.bornfreeusa.org/downloads/pdf/PetShops_Report.pdf, (accessed 5 Dec. 2013).

⁵ McMillan FD, Duffy DL, Serpell JA. Mental health of dogs formerly used as ‘breeding stock’ in commercial breeding establishments. *Applied Animal Behaviour Science*. 2011;135(1-2):86-94.

⁶ McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

⁷ U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

⁸ Society for Theriogenology, “Position Statement: Welfare of Breeding Dogs,” <http://www.therio.org/?page=PositionStatement#Breeding> (accessed 5 Dec, 2013).

⁹ Olson, Patricia N., DVM, PhD, DACT, “Breeding Protocol Review and Recommendations,” email from author, July 2012.

¹⁰ American Kennel Club, “A Guide to Breeding Your Dog,” http://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf (accessed 5 Dec, 2013).

- Science clearly indicates that solid flooring is the most appropriate for terrestrial species¹¹ such as canids. One study demonstrated that foxes were willing to work to gain access from a wire mesh floor to a solid one. On the solid floor, they performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting (exploring with their muzzles) and jumping¹². In severe cases, including at a facility that sold puppies to Danbury-based Puppy Love, puppies have been found with paws so damaged that their bones protrude through the skin, with exposed muscle and flesh¹³ -- dogs' limbs may slip through wire mesh flooring, causing severe lacerations or even unintentional amputation of the limb.¹⁴ The American Veterinary Medical Association specifically recommends that “dogs should be provided with an area of solid flooring. A dog’s welfare needs for comfortable housing are better met by a kennel with solid flooring.”¹⁵ A review of housing needs for dogs kept for research purposes found, in part, that “the majority of experts recommended solid or at least only partially gridded floors and agreed that dogs preferred solid flooring. Whatever the flooring type, a safe, solid area of sufficient size for all dogs to comfortably and simultaneously lie down should be provided.”¹⁶ Yet even though USDA inspection reports routinely document injuries caused by wire mesh flooring, the agency in 1999 actually removed a regulatory requirement that breeders provide a solid resting platform for dogs housed on wire,¹⁷ stating that the requirement had been “erroneously added” and was an “unnecessary and unintended requirement.”

Research indicates a systemic problem with the mass production of dogs in commercial facilities, in that continuous confinement frequently causes animals to suffer from chronic anxiety, social isolation, inadequate stimulation, and lack of physical exercise.^{18,19,20,21,22,23}

This is an important consideration because it underscores the notion that even if a commercial breeding facility was properly inspected and was fully compliant with all federal laws and regulatory requirements, that facility could, and typically is, keeping dogs in constant

¹¹ Hardy A, Windle CP, Baker HF, et al. Assessment of preference for grid-flooring and sawdust-flooring by captive-bred marmosets in free-standing cages. Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386. *Appl Anim Behav Sci* Jan 2004, 85(1-2) 167-172.

¹² Koistinen, T, Mononen, J. Blue foxes' motivation to gain access to solid floors and the effect of the floor material on their behaviour. *Appl Anim Behav Sci* Sept 2008, 113(1-3) 236-246.

¹³ 12 Aug, 2012 USDA Inspection report for Joseph & Rhoda Graber of Odon, Indiana (#32A0350), <http://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jspx> (accessed 6 Dec, 2013).

¹⁴ United States Department of Agriculture, Office of Inspector General, “ p.11, 53, “Animal and Plant Health Inspection Service Animal Care Program: Inspections of Problematic Dealers,” Audit Report 33002-4-SF, May 2010, pp11, 53.

¹⁵ American Veterinary Medical Association, “Model Bill and Regulations to Assure Appropriate Care for Dogs Intended as Pets,” April 9, 2010.

¹⁶ Moore, Graham, “Assessment of Animal Housing Needs in the Research Setting Using Peer Reviewed Literature Approach: Cats and Dogs,” *The Development of Science-Based Guidelines for Laboratory Animal Care: Proceedings of the November 2003 International Workshop*. (The National Academies Press, 2004)

¹⁷ “Animal Welfare: Solid Resting Surfaces for Dogs, Final Rule.” *Federal Register* 64 (April 20, 1999): 19251-19254. Print

¹⁸ Griffin B, Hume KR. Recognition and management of stress in housed cats. In: August JR, ed. *Consultations in Feline Internal Medicine*. 5th ed. St. Louis, MO: Elsevier Saunders; 2006:717-734.

¹⁹ 2 Hennessy MB, Davis HN, Williams MT, Mellott C, Douglas CW. Plasma cortisol levels of dogs at a county animal shelter. *Physiology & Behavior*. 1997;62(3):485-490.

²⁰ Patronek GJ, Sperry E. Quality of life in long term confinement. In: August JR, ed. *Consultations in Feline Internal Medicine, Current Therapy 4*. Philadelphia, PA: WB Saunders; 2001:621-634.

²¹ Stephen JM, Ledger RA. An audit of behavioral indicators of poor welfare in kennelled dogs in the UK. *Journal of Applied Animal Welfare Science*. 2005;8:79-95.

²² Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386.

²³ Wemelsfelder F. Animal boredom: Understanding the tedium of confined lives. In: McMillan FD, ed. *Mental Health and Wellbeing in Animals*. Ames, IA: Blackwell Publishing; 2005: 79-91.

confinement, on wire flooring, and in a perpetual cycle of breeding, nursing, and weaning until the animal is no longer capable of turning out sufficient litters to be profitable.

- **The USDA fails to adequately enforce the Animal Welfare Act**

- The USDA's Inspector General issued a report in 2010²⁴ stating, in part, that USDA inspectors misused guidelines to lower penalties for violators. Specifically, OIG found that APHIS inconsistently counted violations, applied "good faith" reductions without merit, allowed a "no history of violations" reduction when the violators did have a history and arbitrarily changed the gravity of some violations and the business size.
- A 2005 USDA/OIG report mirrored those findings. The Detroit Free Press reported in 2006²⁵ that "the USDA in 2004 opted not to fine Heartland Kennels [a puppy mill in southwestern Minnesota] — which sent at least 123 pups to local pet shops in 2005 — after citing the facility for repeated violations that included confining dogs to cramped, dirty cages that offer no protection from the wind, rain, and snow. In a letter to the facility, the USDA said its run of violations used to result in fines or closure, but current policy 'is to encourage compliance through education and cooperation rather than legal action'.... The USDA's Office of Inspector General has criticized the agency since the 1990s for failing to adequately crack down on violators. And in a blistering September 2005 report, the inspector general found an ineffective monitoring and inspection system and concluded the USDA failed to take action against 'violators who compromised...animal health.'"
- Facilities find ways to skirt the rules. The Animal Welfare Act requires, in part, that operators who keep dogs outdoors must receive certification from a veterinarian stating that the dogs are acclimated to prevailing temperatures. The HSUS is in possession of a letter from a Kansas Veterinarian to that state's Animal Health Department stating that "The short-haired breeds of dogs, including pugs, beagles, *chihuahuas*, and dachshunds owned by Keith Ratzlaff are acclimated to the outside environmental temperatures in Kansas. As long as adequate shelter, bed material, food and water are provided, these animals are *acclimated to temperatures from zero to one hundred ten degrees Fahrenheit.*"²⁶(emphasis added).

- **The commercial pet industry fails to provide pet stores with humanely raised dogs**

From Amy Cirincione, owner of Feed Bag Pet Store in Cutchogue, NY: *"I have found that there is no way for me to sell puppies from my retail establishment that does not contribute to the suffering of both the parent dogs and the puppies bred from them. Reputable breeders with high standards of care do not sell their puppies to ANY pet stores for resale. The only option for pet stores wishing to make a profit selling puppies are puppy mills. I do not sell animals in my store because it is impossible to do so without contributing to this barbaric trade."*²⁷

- **Responsible breeders do not sell to pet shops**

²⁴ United States Department of Agriculture, Office of Inspector General, *ibid*.

²⁵ Neavling, Steve. "Agency Faulted for Not Cracking Down on Violators," *Detroit Free Press*, 12 Jul 2006. <http://www.freep.com/article/20060712/NEWS05/60712002> (accessed 6 Dec 2013).

²⁶ Handlin, Mark DVM. Heartland Veterinary Clinic, McPherson, Kansas. Letter to State of Kansas Animal Health Department, date obscured. Copies available to Task Force members upon request.

²⁷ Cirincione, Amy, "Opinion: Feed Bag Owner Says She Will Not Sell Animals in Her Store," *North Fork Patch*, 29 Jun. 2011, <http://northfork.patch.com/groups/politics-and-elections/p/opinion-feed-bag-owner-says-she-will-not-sell-animalscbb9519ddc> (accessed 6 Dec. 2013)

The Task Force has heard substantial evidence that reputable breeders do not sell their puppies to pet stores. The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores. A copy of our data is available upon request.

- **The HSUS proudly supports responsible dog breeders**

The humane community has rallied around responsible dog breeders, and seeks only to disallow the sale in Florida pet shops of dogs acquired from puppy mills. The HSUS helped establish a Breeder Advisory and Resource Council (BARC)²⁸, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. On our website, we encourage those families and individuals seeking a purebred puppy to seek a responsible breeder, and even offer advice on how to locate a breeder.²⁹

- **The HSUS proudly supports humane pet shops**

We have worked directly with pet shops that have stopped selling dogs from inhumane sources and have found customers more than willing to purchase older rescued dogs.

Similarly, we have found that pet shops who switch to a humane business model, refusing to sell dogs acquired from inhumane sources, have been very successful and are proud to have rejected the unnecessary cruelty of puppy mills.

From Cynthia Socha, owner of H3 Pet Supply in Stratford, CT: *“As the owner of a successful pet store that does not sell commercially bred animals, I can vouch for the fact that not selling such animals does not guarantee a demise in business. The fact that over 85% of the pet stores that operate in Connecticut do not sell puppies or kittens should be proof enough...This [humane] model has helped us become successful as it generates a tremendous amount of goodwill in the community”*. Ms. Socha urges the Connecticut legislature to *“look past the baseless claims of large scale job loss...and do what is correct in the name of humanity.”*

From Rene Karapedian, owner of Pet Rush in Los Angeles, CA: *“Dogs sold in pet stores come from puppy mills. We should not support puppy mills....I switched over to what I call the “humane model”—animal adoption instead of animal sales... Most of these shelters that I go pick up dogs from, they are putting down anywhere from 50 to 70 dogs a day. So this is one way to stop that from happening.”*

From Joe Sheneshale, owner of Pet Depot in Gillette and Rock Springs, WY: *“With millions of dogs and cats being euthanized each year due to a lack of homes, I realized that this decision was the right thing to do for the animals and for our community in addressing the pet overpopulation problem.”*

In fact, initial successes have led us to create specifically designed programs to assist pet store owners seeking transition to the humane model.³⁰

²⁸ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9IBXTnVQ (accessed 6 Dec. 2013).

²⁹ http://www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html

³⁰ http://www.humanesociety.org/issues/puppy_mills/facts/puppy_friendly_pet_stores.html#UqI-ZxXTnVQ

•**Conclusion**

The morals and values of Milwaukee cannot be represented by allowing the continued sale of puppy mills dogs – an industry so intrinsically linked to unnecessary animal suffering and so seemingly unwilling to change. Milwaukee pet store customers should not be duped into unwittingly supporting the cruel puppy mill industry, and into buying puppies exposed to the unique set of physical and behavioral problems created by such a substandard upbringing. Milwaukee residents should no longer have to accept the importing of puppies from puppy mills while their tax dollars are spent sheltering and euthanizing dogs for which there are no homes.

We thank the Common Council for considering this important animal welfare and consumer protection ordinance, and remain willing and eager to assist going forward.

Sincerely,

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THE HUMANE SOCIETY
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Celebrating 60 Years