

Common Puppy Mill Legislation Questions and Answers

Q: What should puppy mill laws require?

Puppy mill laws vary by state. Some states (such as AR, FL, NC and others) have no laws that specifically regulate large-scale dog breeding facilities known as puppy mills. Others (such as VA, PA, and MO) have laws that require puppy mills to adhere to certain basic standards of care, require licensing and inspection of large-scale breeding facilities, or limit the number of breeding dogs that can be kept at commercial breeding facilities. A good puppy mill law should require that breeding dogs at large-scale commercial facilities receive sufficient food and clean water, adequate space to turn around and stretch their limbs, adequate housing, protection from the elements, regular exercise, and necessary veterinary care. It should prohibit the harmful practices of using stacked cages, which encourages overcrowding, and wire flooring, which causes discomfort and often injures the dogs' feet.

Q: If laws require larger cages, how can breeders afford to upgrade their kennels?

The average person assumes, and expects, that anyone caring for a live animal will provide decent and reasonable care, and this includes adequate room to exercise, turn around and stretch their limbs. High volume breeders make a good income from their dogs and if they are not providing sufficient humane housing and care, they can, and should, make any needed improvements for the wellbeing of their animals and the overall success of their businesses. Other industries are expected to re-invest in their businesses from time to time. The commercial breeding industry should be no exception.

Q: Why do some bills attempt to set a limit of 50 breeding dogs?

Many of the problems with puppy mills have occurred at the largest operations. Dogs are destined for the home, and they need individual attention and socialization. With hundreds of dogs, and often with no labor, the large operations just cannot provide that kind of attention.

Q: Have other states placed limits on large-scale commercial dog-breeding operations?

Yes. Virginia, Louisiana, Oregon, and Washington have all enacted legislation through their state legislatures setting reasonable caps on the number of breeding dogs that can be kept at a single facility.

Q: Does limiting the number of breeding dogs per person violate the the state or federal constitution?

No. There is no constitutional right to breed an unlimited number of dogs, and having a reasonable limit does not take anyone's property. It just places a sensible upper limit on the use of dogs for breeding at any one operation. The argument that the state is not permitted to impose a cap is like saying the state cannot limit the number of children in a day care facility, the number of smokestacks at a factory, or the number of people in a dance hall at any one time. Moreover, puppy mill legislation is specifically crafted to limit only the number of sexually intact adult dogs used for breeding, and imposes absolutely no limit on the total number of dogs a person can own. A breeder can keep as many dogs as they want over the limit of 50, as long as those excess dogs are pets and not used for breeding.

Q: Will standards that require "clean food and water" make it a crime to have a hair or a piece of food in a dog's water bowl? Will standards requiring clean housing mean that breeders could be charged for having a cobweb in the corner of a building, or a scratch on a painted surface?

No. Measures to protect dogs are designed to provide clear and consistent guidance to inspectors and to breeders. Enforcement officials have discretion on when a violation is severe enough to warrant

action, and prioritize the most extreme cases of puppy mill cruelty since there is no shortage of such cases.

Q: Can't we just improve the enforcement of current laws?

Current laws have not been effective in stopping puppy mill cruelty. There have been three Missouri State Auditor reports, a Better Business Bureau report, and a U.S. Department of Agriculture report that have condemned enforcement efforts through the years—which is exactly why animal welfare groups and concerned citizens have been calling for stronger, simpler and clearer laws to protect dogs. We do need better enforcement, and one element of that is stronger standards of animal care that are not vague, weak or too complex to properly understand.

Q: Some proposed laws would require access to an outside exercise area—won't that be deadly to newborn and non-weaned puppies that may crawl outside and cannot find their way back inside? What about upper respiratory stress and pneumonia for puppies who are exposed to the outdoors?

Most puppy mill laws are designed to apply to specifically to adult breeding dogs, not newborn puppies. In addition, upper respiratory illnesses are not caused by fresh air. More often in the extreme confinement conditions typical of large-scale puppy mills, respiratory illnesses are caused by poor ventilation, dangerously high ammonia levels, and the repeated circulation of airborne disease molecules. The idea that providing fresh air will be detrimental to the health of dogs is absurd. Anyone who walks their dog or lets their dog play outside understands that.

Q: Isn't it unfair to restrict the frequency of breeding a dog?

Some proposed laws have specified that no dog be forced to have more than two litters of puppies in any 12 or 18 month period. Over-bred dogs who have been rescued from puppy mills are commonly found in poor physical condition, missing all or most of their teeth by the time they are only a few years old, and seriously undernourished due to the physical demands that constant breeding and nursing places on the mother dog's system.

More than fifty (50) national breed clubs recommend breeding a female dog no more than twice in a 12 to 18 month period and/or resting the female between litters, including the Siberian Husky Club of America, the West Highland White Terrier Club of America, the American Fox Terrier Club of America, the Yorkshire Terrier Club of America, the Afghan Hound Club of America, the Bernese Mountain Dog Club of America, the Cardigan Welsh Corgi Club of America, and many more. Laws should be consistent with the breeding practices of responsible breeders.

Q: Won't new puppy mill laws cost the states money and take funds away from important programs?

It is far more expensive to allow puppy mills to spiral out of control. Some municipalities that have had to close down problematic puppy mills have incurred more than \$500,000 in law enforcement, legal and animal care expenses just to close down a single facility.

Many state puppy mill regulations require commercial breeders to pay a modest licensing fee, with fees used to offset the cost of enforcement programs.

Q: But doesn't the USDA already regulate and inspect puppy mills?

The USDA licenses and inspects some large-scale dog dealers and breeders under the federal Animal Welfare Act (AWA). At this time they regulate only dog dealers who sell wholesale, primarily to pet stores – but not large-scale dog breeders who sell directly to the public, such as over the Internet or through classified ads.

The USDA inspects dog breeders and dealers for compliance with the Animal Welfare Act (AWA). However, AWA guidelines are not optimal care standards, they are minimal survival standards. Facilities can be in compliance with the AWA while still keeping hundreds of dogs in small, stacked wire cages, without enrichment or human attention, for their entire lives. The AWA does not require that the dogs ever be let outside of their cages for exercise, socialization, or even annual vet exams.

In 1998 The USDA changed to a “risk based” inspection system, ensuring that many USDA-licensed breeders who were once inspected every year are now inspected only every two to three years (APHIS Annual Animal Care Report, 2007). Finally, the USDA only employs approximately 102 inspectors to oversee more than 9,200 regulated facilities.

Q: Isn't AKC inspection enough? Can't other forms of self-regulation help crack down on puppy mills?

The AKC does not inspect every breeder who registers dogs with their organization. Sadly, many of the puppy mills that have been discovered in recent months where hundreds of dogs were found suffering in deplorable conditions were actually owned by AKC breeders. The AKC has no rules that disallow puppy mills from registering dogs with them. The AKC and its officers do not have the ability to enforce any laws. If AKC does inspect and a breeder is found to be out of compliance with their minimal standards, the only penalty available to the AKC is suspension of that breeder's ability to register dogs with the AKC. There is nothing stopping this breeder from registering dogs with other breed clubs after an AKC suspension. In addition, AKC inspection reports are kept private, with no public transparency. Sadly, the AKC is financially beholden to the puppy mill industry. Over the years, pressure to increase its profits from puppy registrations has led the AKC to become more and more accommodating of the high-volume – and high-profit -- puppy mill industry.