



July 9, 2012

Docket No. APHIS–2011–0003  
Regulatory Analysis and Development PPD APHIS  
Station 3A–03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737–1238

To whom it may concern:

California Responsible Pet Owners' Coalition/CarPOC is a group of like-minded animal lovers who have joined together to fight oppressive anti-animal legislation. Our founding supporters include pet owners, rescue volunteers, working dog owners, service and therapy animal owners and clients, trainers, veterinarians, as well as show cat and dog breeders and enthusiasts. We are writing to you today with our concerns over the proposed rule changes.

While we understand and appreciate that the proposed changes to the Animal Welfare; Retail Pet Stores and Licensing Exemptions (RIN 0579-AD57) are well-intentioned, and that they arise from concerns about substandard commercial breeders who are attempting to circumvent licensing by selling as retailers directly to consumers, we share the American Kennel Club's "concerns about the harsh and unintended consequences that the U.S. Department of Agriculture's proposed regulations (RIN 0579-AD57) to redefine "retail pet store" would have on responsible small and hobby breeders." Not only will there be unintended consequences, but unreasonable hardships, and possibly damage done as a result of the proposal.

The proposed changes could have a devastating effect especially on the more rare, endangered breeds. Especially the breeders of these "lesser" breeds do their utmost to strive for genetic diversity to maintain the health and well being of their respective breeds, which is critically important in breeds with such small gene pools. By not allowing off-residence sales or shipping, the responsible breeder would be severely restricted in the choice of breeding partners to assure and maintain genetic health and diversity. Such restrictions could ultimately make the breeds less healthy, and ultimately hasten their extinction.

The requirement that buyers physically visit the breeder's residence would present an unnecessary hardship. Given the rarity of some of these breeds, there tends to be clusters of animals and breeders nationally and internationally. These people are known to, and have histories with, each other, and the requirement for personal travel would constitute an unreasonable hardship. Often breeders have repeat customers for their second, third or subsequent pet. These individuals are already well known to and have been vetted by the breeders, so there's no necessity for them to travel what could be long distances. Breeders sometimes exchange animals when a particular animal or breeding might be beneficial to maintain or improve a "line," or in lieu of a stud fee. Again, these breeders are well known to each other, so there is no need for personal travel.

There are many vague, ill-defined and/or undefined phrases and words in the proposed rule changes that would make complying difficult if not impossible. Proposed changes to §2.1(a)(3)(iii) do define those pets that may be owned by residents, however, it leaves in limbo those pets that may be co-owned and/or not in residence --  
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co-ownership is a common practice in purebred animal ownership and breeding. Breeders will often co-own a puppy or kitten with someone new to the breed as a means of mentoring and guiding the new owners. It also provides them with the ability to properly manage those animals and possibly prevent missteps that could ultimately be injurious to the breed at large.

The undefined term, "breeding female," in the proposed rule changes is especially troublesome. "Breeding female" could be interpreted as any intact female almost from birth to death. While females of many species 'can' theoretically be bred from less than a year to quite an advanced age, that is not common practice among responsible breeders. Many breeders typically will show/exhibit their females in performance and/or conformation for the first several years of their lives while they mature physically. Dogs cannot obtain their official health clearances until they're at least two years old and have attained some physical maturity, and responsible breeders won't consider breeding without those clearances. Also, responsible breeders don't discard their older animals once they're no longer actively being bred, just as we don't discard our senior citizens. Our breeders keep their senior ladies to live out their days as happy, beloved, appreciated family members. By imposing a four breeding female limit, these older ladies would be cruelly and needlessly displaced from their homes or their breeder-owners would be forced to obtain USDA licensure.

Many of these responsible breeders participate in rehoming networks for their breed. Even if a breeder maintains fewer than four breeding females, they would no longer be able to foster rescues to be re-homed, as that would increase the number of animals in residence and they would no longer be AWA-compliant. Likewise, if a breeder does maintain more than five breeding females, sells them only from their residence, then re-homes just one animal sight unseen, it would alter their status and require USDA licensure. That would unnecessarily increase the burden on local animal control shelters and increase the killing of sound, healthy animals, as more and more responsible breeders would reluctantly stop fostering and rehoming.

If a responsible breeder were to fit the requirements for a USDA licensed breeder, we believe that the care standards and the physical situation that would be required would not be appropriate for many of the breeds. Many sensitive breeds require constant human interaction and care. Living in a kennel situation would undoubtedly have a negative impact on their health and well-being. Living in a kennel could have a detrimental effect on the proper socialization of puppies or kittens and impact their emotional health. All baby animals need to be raised with intimate human contact, which can best be provided in a home environment rather than in a kennel.

Many terms in the proposed rule changes are difficult for even the most astute breeder to understand and interpret. That would leave them wondering whether or not they were exempt, or in compliance with the rules or not. That could cause a responsible breeder to inadvertently run afoul of the regulations, even though they had rigorously attempted to comply.

It is very disappointing that APHIS does not recognize the vast number of breeders that could be unintentionally impacted by the proposed rule changes -- possibly be hundreds of thousands of small, responsible hobby breeders. The cost of enforcing and inspecting would be astronomical and would ultimately not have the desired effect.

The California Responsible Pet Owners' Coalition/CaRPOC opposes these rule changes as written and asks that APHIS reconsider, re-examine the unintended consequences and reassess the proposed rule changes before moving forward. Thank you very much for your consideration.

Sincerely,



President, California Responsible Pet Owners' Coalition/CaRPOC