

The USDA Proposed Rule and You

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By: **Patti Strand** Date: **05/17/2012**

The US Department of Agriculture has recently published a proposed rule that would expand USDA licensing requirements to dog breeders who were formerly exempt from licensing. Without changes, this new classification would impact many of our members. **It is very important that concerned parties comment on the proposal.** Please scroll to the bottom to find the proposal and the address for making comments. NAIA is working on our comment letter now and will send it to you along with our recommendations for action as soon as we have fully analyzed the proposal and have considered the best way to respond. Meanwhile, if you have questions or concerns, please feel free to contact us at NAIA@naiaonline.org, or by phone at (503) 227-8450.

Background

When USDA dog licensing regulations were first drafted 40 years ago, most commercial dog breeders sold their dogs through middlemen who distributed them to pet stores where they were ultimately sold to the pet-buying public. The licensing was designed to provide oversight and protection to dogs bred in large commercial kennels operating away from the consumer's view.

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Without clear language, you can never be sure how the rules will be interpreted.

Over the last 20 years, though, the Internet has significantly changed the way dogs are sold, rendering those regulations inadequate. By using the Internet, large breeding kennels are able to connect and conduct business directly with consumers, so they are not required to be licensed.

Today, many of these kennels operate without oversight and some have developed severe animal welfare problems. Many of the bad breeding operations we see on the nightly news fall into this unregulated category. USDA's proposed rule is aimed at correcting this shortcoming by bringing

under licensure those breeders who have more than 4 breeding bitches and sell dogs to consumers at retail, “sight unseen.” The proposal exempts all breeders from regulation who keep 4 or fewer “breeding bitches” and it would exempt breeders who sell their pets directly to consumers from their property if they sell only those pets they breed and raise on their own premises.

While this rule would achieve the USDA’s goal of capturing virtually all of the large scale commercial breeders selling pets to consumers “sight unseen,” the proposal, together with pre-existing regulations, would also capture many breed enthusiasts for whom the commercial standards and operating practices would be inappropriate and even harmful.

Although breed enthusiasts sell the overwhelming majority of their puppies directly to puppy buyers from their residences, nearly all sell a puppy occasionally to someone who lives at a distance or cannot visit the kennel. They also make repeat sales to distant purchasers, people who visited their premises in the past but cannot or choose not to spend the extra time and money to make the trip again.

NAIA will be addressing several concerns in our comment letter. Here are a few that we will be focusing on:

- the definition of breeding bitch
- how the regulations would treat shared ownership interests in breeding bitches between parties
- living on separate premises;
- how the consequences of these rules could prove fatal to the rarer breeds, where maintaining genetic
- diversity is so critically important;
- practices, which under the proposed rule would cause a breed enthusiast to lose their exemption;
- selling even one dog remotely, even to a repeat purchaser, even in a rare breed where
- consumers and breeders are separated by hundreds or thousands of miles.
- selling even one puppy taken in lieu of a stud fee or from a co-owned breeding bitch (selling
- puppies not bred or raised on seller’s premises).

USDA is seeking your help in developing the best possible regulations. **It is extremely important that you take the time to read the proposal carefully and comment on it.** We have been through the comment process many times before with several agencies, including USDA. They

have always treated our comments in a thoughtful manner with due consideration and have made changes based on our input.

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Discussions

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The comment period is open for 60 days, until July 16. This is an important process that everyone needs to be part of. Your input is vitally important and will make a difference!

[Read the proposed rule here](#)

[Read the factsheet here](#)

[Make your comments to USDA here](#)

USDA Address:

Docket No. APHIS-2011-0003

Regulatory Analysis and Development

PPD, APHIS, Station 3A-03.8

4700 River Road, Unit 118

Riverdale, MD 20737-1238

About The Author

Patti Strand – NAIA National Director

Patti is a recognized expert and consultant on contemporary animal issues, most notably responsible dog ownership and the animal rights movement. She often appears on radio and television and her articles on canine issues, animal welfare, public policy and animal rights have appeared in major US news publications and in trade, professional and scientific journals. Patti and her...

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