



July 11, 2017

California Senate Committee on Business, Professions, and Economic Development

RE: Opposition to California AB 485

Dear Senators:

I am writing to you about AB 485 on behalf of the NAIA Trust, a broad-based animal welfare organization founded in 2001 to provide fact-based answers to complex and controversial issues regarding animals. We are dedicated to securing high standards of animal care and treatment, and to preserving the human-animal bond. Amongst our members in California are pet owners, hobby breeders, rescuers and animal professionals, scientists and veterinarians.

The bill's stated purposes, promoting the adoption of animals from shelters and rescue groups and **encouraging humane practices** for dogs offered for retail sale in California, are honorable goals. However, the method proposed — legislation to restrict pet shop sales of certain animals to come only from public and private rescues and shelters — will not fully accomplish these goals. Shelters and rescue groups have essentially no oversight or regulation, while breeders have the most oversight and regulation. The influx of unwanted foreign animals into California through rescue channels puts the pet population at great risk for new diseases and which makes the bill arguably encouraging inhumane practices. My letter sets forth in detail the damage the bill will cause and demonstrates why our amendments are imperative to the future of California pets if this bill must go forward.

One of the bill's alleged purposes is to save the California taxpayers money by decreasing the number of animals in shelters, thereby decreasing the cost of shelters to taxpayers. However, as discussed below, while the number of local intakes have gone down, California is one of the leaders in the US for importing animals into the shelter system. This bill will have no impact on imports except to open those channels further as there will be more options to place these animals into the market. Furthermore, there will be no real decrease to the taxpayer cost as this will be a state-mandated burden on local enforcement with no reimbursement, which will instead actually INCREASE the cost to taxpayers.

This legislation will do far more harm than good to animal welfare and the quality of pet animals available to the public. Forcing private businesses to source animals only from rescue will endanger both the consumers and the pet population of California, and will not achieve the legislative goals of reducing the population in rescues and shelters and improving animal welfare. In reality, the bill will serve to ENDANGER animal welfare through the increase of disease and parasites the influx of imported rescue animals will bring. Furthermore, banning purpose bred dogs from sale by pet shops will not achieve the anticipated decrease in the number of shelter and rescue dogs in the state.

Shelter numbers have greatly decreased overall in the state of California. Overall intake of shelter dogs has gone from nearly 800,000 dogs annually in 1973 to less than 360,000 in 2015.¹ This decrease is evidence that “overpopulation” in California has been effectively managed: less than 360,000 dogs taken into shelters in a state with a human population of 39.31 million. The most recent study reveals that fewer than five percent of shelter dogs are purebred.² Chihuahuas are the breed most represented in shelter populations, followed by dogs described as “pit bulls.” The number of purebreds in shelters would be 3.3% were it not for those groups, which together account for 35% of all purebreds found in shelters by this study.³

The success of the rescue and shelter movement in adopting local dogs has unfortunately resulted in a significant increase in interstate and international import of dogs into the state, which keep rescue and shelter populations artificially high. This phenomenon, which is known as “humane relocation,” moves surplus dogs from areas of high population into other areas where the demand is great and supply is low. The relocation of surplus dogs has been going on for some time, but in the aftermath of Hurricane Katrina, the popularity surged across the country. While this effort gets homeless and surplus dogs into homes, it also raises serious concerns. In their zeal to re-home these dogs, dogs have been transported in violation of federal and state laws and regulations when they are too young, sick, lacking proper vaccinations, or in inhumane transports.⁴

California receives many out-of-state dogs, especially from other countries. Numerous rescues publicly advertise activities bringing dogs in from Mexico and Asia.⁵ One such rescue brings dogs from not only Mexico but as far away as Taiwan, and has claimed to have brought in over 3,000 dogs.⁶ There clearly cannot be the overpopulation problem in California that some groups would have you believe if there is this much room and demand for animals coming in from as far away as Taiwan.

While humane relocation sounds like a wonderful idea on its face, it has serious consequences that may not be initially apparent. The most significant is the risk to the health of our existing pets and to your constituents through the spread of interspecies and zoonotic disease. In 2004, a rabid feral puppy from Puerto Rico was brought in to Massachusetts, causing the state to pass a law requiring all importers to have a separate section set aside for quarantine, and mandating a quarantine period of a few days before releasing the dogs for sale.⁷ In 2008, 24 dogs were brought into this country from Iraq, and one had canine rabies.⁸ Canine rabies was declared eradicated in this country as of 2006 so this a very troubling trend. More recently, in 2015, a female dog in a shipment of dogs (and cats!) from Egypt was transported with not only an unhealed leg fracture, but also rabies of a strain eradicated in the U.S. decades before. Its rabies certificate was forged in violation of CDC and USDA import regulations. The shipment travelled by land through five states, dropping off potentially infected dogs along the way. It resulted in 19 people having to undergo painful post exposure rabies vaccination procedures.^{9,10} This is a very real and serious public health risk.

¹ http://shelterproject.naiaonline.org/shelter_data/shelter/946/2/received

² <http://shelterproject.naiaonline.org/purebred/index.php>

³ Id.

⁴ <http://www.naiaonline.org/uploads/WhitePapers/PuertoRicanImportTragedy.pdf>

⁵ Dog Rescue Without Borders <http://www.drwb.org/>; Baja Dog Rescue <http://bajadogrescue.org/>; Animal Rescue Without Borders <http://www.arwob.org/>; Compassion Without Borders: Mexico Dog Rescue <http://cwob.org/rescue.html>

⁶ Dogs Without Borders <http://dogswithoutborders.org/>

⁷ <http://abcnews.go.com/Health/story?id=3765973&page=1>

⁸ <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5739a3.htm#sthash.cAkVazY0.EbscsUw0.dpuf>

⁹ <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6449a2.htm>

¹⁰ <https://www.statnews.com/2015/12/17/rabies-dog-cdc/>

The new strains of canine influenza that have spread through the US via imported dogs is another disease concern that is highly contagious and resulted in a few deadly cases. Just last year there was an outbreak that started in Chicago—the source ended up being several dogs that had been brought in from Korea that were being raised for meat there.¹¹ With the combination of our mobile society, Chicago being a central hub for travel, and this being such a contagious disease, this virulent form of canine influenza very quickly spread to surrounding states and as far away as Texas.¹² This strain of flu from Korea was so new that no vaccines in the US covered it. California is not immune, San Diego has imported Korean “meat” dogs as well.¹³ Right now we are in the midst of the spread of another dangerous strain of influenza likely sourced from import rescue dogs.^{14, 15}

Dog bites and attacks are also on the rise, which is another valid concern as California has been the leader amongst bite numbers.^{16, 17} Rescue dogs with behavior issues and bite histories have been significant contributors to the increase in bites.¹⁸ An emerging issue has been that of rescues and shelters feeling pressured to succumb to the “no-kill” movement and as a result, negligently placing rescue dogs.¹⁹ Negligence on the part of shelters and rescues occurs when dogs are offered for adoption despite known history of aggression or improper evaluation of the dog’s temperament.²⁰ Recently there has been a trend of lawsuits being filed against shelters and rescues for the negligent and even intentional omission of knowledge of prior histories of aggressive dogs, which is further complicated through rescue transport.^{21, 22} With dogs being shifted from one rescue to another, one state to another, or from other countries into the US, behavior history is often muddled, lost in transport, or never obtained. Increasing this shift of rescues to pet stores will surely lead to an equal increase in lawsuits, clogging up the courts with cases complex in unravelling the trail of a dog’s origins to determine who should be liable.

Another concern is the lack of significant consumer protection for animals obtained from these groups. There is little recourse if a dog from one of these importing rescue groups has costly health issues, since the Polanco-Lockyer Pet Breeder Warranty Act²³ that holds breeders responsible for the animals sold to California consumers does not cover shelters and rescues. Furthermore, breeders covered by the bill that sell at wholesale or sell at retail sight unseen already are regulated the USDA under the Animal Welfare Act and require

¹¹ <http://www.chicagotribune.com/news/local/breaking/ct-dog-flu-met-0415-20150414-story.html>

¹² <http://www.nbcdfw.com/news/health/Texas-Veterinarians-Concerned-About-Dog-Flu-303665041.html>

¹³ http://support.sdhumane.org/site/MessageViewer?em_id=19892.0

¹⁴ <http://citywatchla.com/index.php/los-angeles/13395-rescued-dogs-imported-from-asia-infected-with-deadly-influenza-was-la-properly-warned>

¹⁵ <http://www.clickorlando.com/pets/dog-flu-causes-orlando-pet-alliance-to-suspend-dog-adoptions>

¹⁶ <http://www.latimes.com/business/la-fi-dog-bite-claims-20140514-story.html>

¹⁷ <http://www.citywatchla.com/index.php/los-angeles/13045-la-soars-to-1-in-usps-dog-attacks-while-animal-services-gm-barnette-focuses-on-feral-cats>

¹⁸ “There are frequent reports of attacks by dogs with a recorded history of aggression adopted from LA City shelters, and numerous tearful accounts of pets being almost instantly attacked or killed.” <http://www.citywatchla.com/index.php/los-angeles/12484-la-animal-services-employee-mauled-by-pit-bull-who-cares>

¹⁹ <http://www.dogstardaily.com/blogs/michelle-douglas/open-letter-rescue-groups>

²⁰ <http://krqe.com/2015/09/06/reports-albuquerque-shelters-adopted-out-dangerous-dogs/>

²¹ http://www.clintonherald.com/news/humane-society-sued/article_c41d3110-14e9-11e7-9104-97aef09271cc.html

²² <http://www.10news.com/news/san-diego-man-suing-over-severe-bite-by-rescue-dog-110215>

²³ <https://www.animallaw.info/statute/ca-pet-sales-chapter-5-sale-dogs-and-cats#s122045>

licensing and inspection. California state laws cover activities as well.²⁴ California also has separate laws setting requirements and holding pet stores accountable.²⁵ No such inspection and licensing exists for rescues.

Commercial dog breeding activities and standards have been given a bad name by generalizing the activities of some breeders to the entire industry, and proponents of this bill would have you believe that all commercial breeders are horrific “puppy mills.” However, commercial breeding has come a long way in the past decade or so, and many groups have contributed to these improvements. First, the USDA APHIS has set the bar for accountability in its AWA inspection and annual reports.²⁶ The American Kennel Club took the lead as the only registry to create and maintain a policy that sets standards for care and conditions of breeding dogs and conducts inspections to assure that its policy guidelines are met.²⁸ AVMA has proposed a policy that supports the sale of pets in pet stores that purchase animals from breeders in compliance with USDA regulations and meeting standards of care. Purdue University College of Veterinary Medicine is working with commercial breeders to develop a science-based voluntary commercial breeder certification program to establish heightened and enhanced standards and to develop breeder education for commercial breeders on best practices to meet and exceed those standards to breed better socialized and healthier pets.^{29,30}

A law to ban sales of purpose bred animals in retail stores and require stores to only obtain animals from rescue is going to open the floodgates for more unregulated rescue and transport, while shutting off a source for animals that IS highly regulated and safe. It unfairly restricts business and arguably creates a monopoly on the pet sales market for rescues. Not only that, but current law requires pet stores to warrant the animals they sell. This means pet stores will be required to guarantee these animals from unknown and unregulated sources they have no control over but are required to source animals from, while shelters and rescues enjoy zero responsibility and offer no consumer recourse for the very same sourced animals they sell to the public. It's patently unfair to require pet stores to warrant animals that they have no way of realistically knowing their health AND behavioral histories prior to selling them to the public.

Forcing only rescue animal sales at retail wrongfully limits consumer choice, and will unfortunately send consumers to the very substandard sources you are trying to stop with this legislation, for those who want a purpose bred dog. If the good breeders are driven out of business then there will be less quality, regulated sources available. There will always be a demand for purebred dogs, but the low number of small hobby breeders cannot possibly meet that demand, particularly when the option of pet stores is taken away. Rather than remove the option entirely, a more viable and reasonable alternative would be to require pet stores to purchase animals bred by USDA licensed and inspected breeders, as set forth in our attached amendments.

²⁴ Breeder requirements <https://www.animallaw.info/statute/ca-pet-sales-chapter-5-sale-dogs-and-cats>

²⁵ Pet shop requirements for sales <https://www.animallaw.info/statute/ca-pet-shop-%C2%A7-5971-list-providing-what-unlawful-pet-shop-operator-fail-do-information-be>; Pet store animal care <https://www.animallaw.info/statute/ca-pet-store-chapter-9-pet-store-animal-care-act>

²⁶ https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa/AWA-Inspection-and-Annual-Reports

²⁸ https://images.akc.org/pdf/governmentrelations/documents/Care_Conditions_Policy.pdf

²⁹ <https://vet.purdue.edu/newsroom/2016/purdue-caws-leads-way-with-new-dog-breeding-standards.php>

I sincerely hope you can look past the rhetoric and propaganda to the facts I have laid out for you to clearly see why this kind of legislation creates more damage than any potential good it may cause, and so that you might consider the amendments set forth by us as an alternative that would be more reasonable.

Sincerely,

Sara Chisnell
Legislative Director