



March 3, 2017

Letter in Opposition to California AB 485

Dear House Assembly Member O'Donnell:

I am writing to you about AB 485 on behalf of the National Animal Interest Alliance (NAIA), a broad-based animal welfare organization founded in 1991 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 are promoting the adoption of animals from shelters and rescue groups and encouraging humane practices for dogs offered for retail sale in California. However, the method proposed — legislation to restrict pet shop sales of certain animals only from public and private rescues and shelters — will not achieve this goal. Instead, it replaces the most regulated source of pet dogs with the least regulated source, rescue and shelter dogs.

This legislation would do 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 of California and pet population, not achieving the legislative goals of reducing the population in rescues and shelters and improving animal welfare. 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. Intake of shelter dogs has dropped from nearly 800,000 dogs annually in 1973 to less than 360,000 in 2015.¹ This decrease is evidence that overpopulation in California is being managed effectively: from nearly 4 (3.9) dogs entering shelters per 100 people each year in 1973 to less than 1 (0.9) dogs per 100 people in 2015. 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 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

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>

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 apparent initially. 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

Another disease concern that is highly contagious and resulted in a few deadly cases are the new strains of canine influenza that have come into the US via imports. 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 society being so mobile, Chicago such a hub for travel, and 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

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 Act¹⁴ that holds breeders responsible for the animals sold to California consumers does not cover shelters and rescues. Furthermore, breeders covered by your bill that sell at wholesale or sell at retail sight unseen already are regulated the USDA under the Animal Welfare Act and

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/>

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

require licensing and inspection. California state laws covers activities as well.¹⁵ California also has separate laws setting requirements and holding pet stores accountable.¹⁶ No such inspection and licensing exists for rescues.

Commercial dog breeding activities and standards has been given a bad name by generalizing the activities of some breeders to the entire industry. 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 reports¹⁷ 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.¹⁸ 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.^{19, 20}

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. 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.

I sincerely hope you can look past the rhetoric and propaganda to see the facts I have laid out for you to see why this kind of legislation creates more damage than any potential good it may cause.

Sincerely,

Sara Chisnell
Legislative Director, NAIA Trust

¹⁵ Breeder requirements <https://www.animallaw.info/statute/ca-pet-sales-chapter-5-sale-dogs-and-cats>

¹⁶ Pet shop requirements for sales <https://www.animallaw.info/statute/ca-pet-shop-%C2%A7-597I-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>

¹⁷ https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/sa_awa/AWA-Inspection-and-Annual-Reports

¹⁸ https://images.akc.org/pdf/governmentrelations/documents/Care_Conditions_Policy.pdf

¹⁹ <https://vet.purdue.edu/newsroom/2016/purdue-caws-leads-way-with-new-dog-breeding-standards.php>