



AMERICAN
KENNEL CLUB®

Dennis B. Sprung
President and
Chief Executive Officer

July 17, 2013

Dear Member of Congress:

I am writing on behalf of the American Kennel Club (AKC), a not-for-profit organization that is the world's largest registry of purebred dogs. Along with our more than 5,000 dog clubs in all 50 states and our affiliated organizations, the AKC advocates for the purebred dog as a family companion, advances canine health and well-being of all dogs, works to protect and advance the rights of dog owners, and promotes responsible dog ownership. **AKC, our affiliates, and thousands of small and hobby breeders who register dogs with AKC, have serious concerns with the USDA/APHIS proposed rule, "Animal Welfare; Retail Pet Stores and Licensing Exemptions" (RIN 0579-AD57).**

We share the USDA's concern about unscrupulous and substandard Internet-based pet sales and would like to assist so that changes to the Animal Welfare Act are fair, effective and enforceable. Unfortunately the rule proposed in May 2012 to address this problem is gravely flawed. It has a number of positive points, but it would do little to address irresponsible or unscrupulous breeder-retailers, and it could have a devastating impact on responsible small breeders as well as the future of some rare breeds.

We ask you to join us in recommending that this measure be withdrawn by the Secretary of Agriculture Tom Vilsack until our concerns, which include the following, can be fully addressed:

- The proposed rule is overly broad and would punish responsible breeders, while creating a loophole for irresponsible roadside and flea market-type puppy sellers. It lacks a fundamental understanding of how responsible small hobby breeders operate and would be extremely difficult to enforce. It focuses on the physical circumstances of the purchase transaction rather than the care and conditions in which animals are maintained. It also places the onus of compliance on the breeder/seller, although a decision whether to visit a breeder's premises is ultimately made by the purchaser.
- The lack of a definition for "breeding female" makes it unclear who would be subject to the rule. Current APHIS procedure determines which animals are considered "breeding females" by viewing the animals in question. This may be effective for reporting the colony size of existing dealers during routine inspections; however individual visits to every small breeder could not be considered an effective way to determine who would be subject to regulation.

- The assumptions provided in the Regulatory Impact Analysis (RIA) are gravely flawed. If adopted in its current form, the rule would cover an exponentially larger number of dog breeders than APHIS estimates, at a significantly higher cost than anticipated. AKC estimates that the number of hobbyists or small breeders who would be impacted by the new rule is at least 10 times greater than estimated by APHIS. AKC data, included in comments filed with APHIS, shows that the number of breeders who registered more than four litters in 2011 with the AKC is greater than 10,700. Given that this number does not account for all those who do not register their litters with AKC, we conclude that the RIA estimate is greatly flawed just for dog breeders alone, without considering other impacted species. It is unclear how the measure could be effectively enforced, particularly in light of recent budget constraints. Likewise, the expense associated with establishing USDA compliant facilities from a home-based model would be far higher than the assumptions presented from existing commercial kennels simply seeking USDA licensing.

Again, we thank you for considering our concerns and our request for withdrawing or altering this approach to addressing the issue of unscrupulous/irresponsible breeder-retailers. Our full, public comments are available online. We would be very happy to share AKC's experience and to work with you and the USDA to develop alternative programs that address our shared concerns and are fair, reasonable and, above all, enforceable. The AKC point of contact is Ms. Sheila Goffe, Director of Government Relations, 919-816-3720 or shg@akc.org.

Sincerely,

A handwritten signature in black ink that reads "Dennis B. Sprung". The signature is written in a cursive style with a large, sweeping initial "D" and a long, trailing flourish at the end.

Dennis B. Sprung
President and CEO