

## **WHAT YOU NEED TO KNOW ABOUT PROPOSED REGULATORY CHANGES TO THE AWA**

### Frequently Asked Questions

- Why is APHIS proposing changes to the AWA?
- What is a proposed rule change and how does it work?
- What's the best way for me to express concerns or seek change to the proposed rule?
- Are there other options for expressing my concerns?
- Why should I comment on the rule?
- How do I comment on the proposed rule? (plus sample comment)

### Additional Resources

- [USDA/APHIS Now Accepting Comments on Federal Rule Proposal](#)
- [USDA/APHIS Proposed Rule](#)
- [USDA/APHIS Fact Sheet about proposed rule](#)
- [How to Sign the AKC Petition](#)
- [Sign the Petition](#)

## **BACKGROUND**

The United States Department of Agriculture (USDA) administers the federal Animal Welfare Act (AWA). The Animal Welfare Act requires certain breeders to provide basic care for dogs bred and sold as pets. Currently, “retail pet stores”, which are described as *those who sell a puppy directly to a final customer for use as a pet*, are exempted from complying with the Act. Because of this broad wording, most small or hobby breeders are currently covered by this exemption and do not have to be licensed or regulated by the USDA.

***In May 2012, the USDA division that is responsible for enforcing the Animal Welfare Act, the Animal and Plant Health and Inspection Service (APHIS), proposed a new rule targeting a wide variety of breeders. The proposal will take away the “retail pet store” exemption that breeders have enjoyed if they sell a pet at retail to buyers who do not physically enter the breeder’s facilities and personally observe the animals available for sale.***

This change could impact many individuals. Those most dramatically impacted would likely be the small/hobby breeders who sell relatively few dogs. Breeders or others who own more than four “breeding females” and sell at least one puppy to a buyer sight unseen (including over the internet, by phone, and so on) would no longer be exempted from the Animal Welfare Act. As a result, they would be required to obtain a federal license as a commercial breeder (or

“dealer”) and be regulated and inspected according to USDA commercial breeding kennel standards.

### **AKC’S CONCERNS ABOUT THE PROPOSED RULE**

The AKC understands and shares the USDA’s concern about unscrupulous and potentially substandard puppy sellers. In fact, the AKC has for years encouraged puppy buyers to meet the breeders of their new pet and to work with them to understand the requirements, commitment, and challenges that come with a new puppy. Responsible breeders are also dedicated to making sure that the puppies they bred enjoy wonderful lives. They are a life-long source of information and continuing education on their breeds.

However, the AKC recognizes that when the time comes for a puppy to be transferred to its new owners, a meeting at the breeder’s premises is not always possible. For example, consider the new buyers of a rare breed puppy. Because there are few breeders of these breeds and they are often located far away from each other, puppy buyers may not be able to personally go to the breeder’s facility to get their new puppy. Instead, they may have to turn to air shipping as an affordable and more convenient way to get their puppy home. In another example, there may be instances where a puppy buyer has a longstanding preexisting relationship with a breeder, knows the parentage and health history of the puppy they would like to receive, and has no reservations about obtaining a puppy from the breeder they know to be responsible and whom they trust. Cases like these, and others, make the proposed rule troublesome.

**If adopted in its current form, the proposed rule would have many unintended consequences and create unreasonable hardships on small/hobby breeders. It would threaten both the future of a vast number of small responsible dog breeders, and the even very existence of some rare breeds in the United States.**

The AKC promotes the welfare of all dogs, and supports and advocates for the rights of responsible dog owners and breeders. As a major stakeholder, the AKC is preparing detailed comments it will submit to USDA/APHIS.

The AKC is taking a multi-pronged approach to responding to the USDA’s problematic proposal. which we will submit to USDA/APHIS. As a major stakeholder, we are preparing detailed comments regarding the many issues problems with this proposal, and we ask you to join us in expressing your concerns as well.

*The AKC asks you to demonstrate to APHIS, through comments, not only the nature of your concerns with this proposed rule, but also the large number of responsible dog owners and breeders who are concerned and potentially impacted by these regulations.*

1. Please join us in by signing the [Join with the AKC to protect...petition](#) and ask your friends, family and colleagues to do the same. Significant numbers on this petition add to the weight of the official comments and concerns expressed, and also serve to demonstrate the major impact this proposed change could have on a large number of responsible small breeders.
2. Please review AKC's alerts, updates and FAQs; the APHIS fact sheets and the proposed regulation and submit your own comments and concerns directly to APHIS by July 16. For more information or assistance with doing this see [Frequently Asked Questions](#) (below).

Each of these items is important. In particular, the petition adds weight to individual comments by demonstrating the immense number of people concerned about this proposal. Individual comments educate APHIS on how this will impact responsible breeders and dog owners.

In addition, AKC is interested in learning about your concerns and questions as well. In addition to our analysis we are collecting your concerns to share with APHIS (leaving off your contacting information) and to help inform our response. You may email these to [doglaw@akc.org](mailto:doglaw@akc.org).

Thank you for your willingness to help educate APHIS on this important issue and take a stand in support of responsible breeders!

## **FREQUENTLY ASKED QUESTIONS**

### ***Why is APHIS Proposing Changes to the Animal Welfare Act?***

Regulators at the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) have received numerous complaints about substandard/unscrupulous internet sales of pets and have been tasked with addressing that issue. The AKC shares their concerns about substandard operations.

### ***What is a proposed rule change and how does it work?***

APHIS has proposed a new administrative "rule" to address this concern. Unlike legislation, a "proposed rule" or regulatory change attempts to address an issue that the government believes can be addressed—not by creating a new law—but by making an adjustment to how the existing law can be administered.

When a rule or regulation change is proposed, the process for expressing our comments or concerns is different from legislation. The law is already on the books so we *have to work within the confines of an administrative—rather than legislative—process.*

### ***What's the best way to express concerns or seek change on the proposed rule?***

The AKC recommends that you share your concerns directly through the USDA/APHIS comment site. Respectful, constructive comments that clearly outline your own personal concerns, experiences, insights and alternative recommendations are the most effective way to impact

the policy of the proposed rule. These concerns will be read by USDA/APHIS as it considers how to proceed. Comments will be public. Comments should be submitted to the USDA/APHIS directly, either:

- Online at <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003-0001>.
- Or via postal mail at: Docket No. APHIS–2011–0003  
Regulatory Analysis and Development  
PPD, APHIS, Station 3A–03.8  
4700 River Road, Unit 118  
Riverdale, MD 20737–1238

However, AKC GR is also interested in your concerns. You may send these to [doglaw@akc.org](mailto:doglaw@akc.org). We will share the most common concerns directly with APHIS (leaving off your contact information). These will also help inform AKC's responses to this proposal.

### ***Are there other options for expressing my concerns?***

The AKC has created the [Join With the AKC to Protect Responsible Small Breeders](#) petition in response to the proposed rule to demonstrate to USDA/APHIS the solidarity among concerned citizens about the harsh and unintended consequences that the proposed regulations would have on responsible small and hobby breeders. Please join us by signing the petition before July 15. AKC will send the petition to the USDA along with AKC's official comments on the proposed rule change.

### ***Why should I comment on the rule?***

The regulators who write the proposed rules recognize that there are many stakeholders and experts in the area of pet breeding and sales whose expertise and insight is valuable. They have asked for comments by these people and anyone who is potentially affected or concerned about the proposed rule. Comments must be made during the public comment period. The USDA will then review all comments it received. If you do not comment, you cannot know if your concerns will be addressed.

### **How do I comment on the proposed rule? (Tips for preparing your comment)**

The AKC believes that there are many serious issues with the proposed rule. When providing a comment to USDA/APHIS, we recommend that you select the aspects of the rule that are of greatest personal concern to you and/or that you have personal insight or experience with. Some of the best letters will be short and concise, and provide specific examples or data to back up your point.

[Click here](#) for an example of an actual comment that we believe provides a good, concise comment with specific personalized information, insight, and data.

For more information, the federal Office of Information and Regulatory Affairs has an excellent website that provides easy-to-understand information on how to provide an effective comment on federal regulation. Visit

[http://www.regulations.gov/docs/Tips\\_For\\_Submitting\\_Effective\\_Comments.pdf](http://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf).

**Remember, the deadline for comments to be received by the USDA is July 16, 2012.** The USDA must review all comments for consideration of whether the proposed rule is viable, and if so, how the rule might be amended to address public concerns. Based on constructive public comments (or a lack of comments) the USDA may move forward with the rule as initially proposed, it may make any variety of amendments to the rule and re-issue a final rule for public consideration, or it consider another approach to the problem.

*Comments may be made:*

- [Online here.](#)
- Via postal mail to:

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