

The Sad Truth about Puppy Mills

INTRODUCTION

Have you ever thought about where the cute little puppy you see in a pet store really comes from? Have you ever thought about what a commercial dog breeding facility looks like and how it operates? Yes, most have heard the word “puppy mill” but may not know what really goes on behind the scenes.

Puppies are loved amongst so many, but too many breeding dogs endure unhealthy lives in puppy mills, contributing to the cruel and deplorable conditions in which they live. A puppy mill is no more than a prison for helpless dogs that have become victimized by those who have no regard for the well-being of a dog’s life. Awareness, education, enforcement of our current laws and new laws where a state lacks are needed in order to put a stop to Puppy mills.

BODY

What is a Puppy Mill?

Defined by the American Society for the Prevention of Cruelty to Animals (ASPCA), a puppy mill is a large-scale commercial dog breeding facility where profit is given priority over the well-being of the dogs.

It is estimated that there are 10,000 puppy mills in the United States. Over 2 million puppies are sold that come from puppy mills. 3 million are killed in shelters because they are too full and there aren’t enough adoptions. The Midwest has the highest number of puppy mills, specifically in Missouri. Kansas, Pennsylvania, Ohio and upstate New York have a high amount as well. There are typically between 2,000 and 3,000 USDA-licensed breeders (commonly referred to as puppy mills) operating in the United States. However, there are a significant number of breeders not required to be licensed by the USDA, in addition to breeders who operate illegally without a license.¹

HEALTH PROBLEMS

It is common for puppy mill dogs to be sick and diseased. In an annual report, “The Horrible Hundred”, generated by the Humane Society of the United States (HSUS), numerous warnings, violations and fines have been issued to puppy mill breeders, some reported as being repeat offenders. The report indicated unsanitary conditions, safety issues, diseased dogs and such heartbreaking and cruel treatment of these animals. For example, female nursing dog was malnourished, exposing its ribs and spine; another with sores and hair loss, dogs limping, dogs with open wounds and lesions clearly needing veterinary care. Many dogs reportedly had no teeth and had bleeding gums. In the worst cases, several reports indicated dead puppies, many

from freezing to death.² Unfortunately, the list goes on. Problems as such are certainly horrible ways in which to treat animals. These animals suffer because making a profit outweighs the compassion that they so deserve.

In 2009, a woman by the name of Kathy Jo Bauck, who, for over 25 years owned and operated in Minnesota, one of the largest dog breeding kennels in the United States, was found guilty of animal torture, sentenced for practicing veterinarian medicine, and accused of selling unhealthy puppies. In 2010 her Animal Welfare Act (AWA) license was revoked. Because an AWA license only applies to breeders/brokers who sell wholesale, such as to pet stores, Kathy Bauck could continue selling puppies and dogs through retail — such as through the Internet, from ads, or from her kennel, which she did. In 2011 her Animal Welfare license was permanently revoked. This federal license is administered by the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA).³

FEDERAL REGULATION OF COMMERCIAL DEALERS

The federal government regulates commercial breeding operations under the Animal Welfare Act (AWA).⁴

The federal Animal Welfare Act (AWA), passed in 1966, requires breeders who have more than three breeding female dogs and sell puppies to pet stores or puppy brokers to be licensed and inspected by the U.S. Department of Agriculture (USDA). In most cases, the standards that breeders are required to meet by law are extremely minimal. Under the AWA, it is legal to keep a dog in a cage only six inches longer than the dog in each direction, with a wire floor, stacked on top of another cage, for the dog's entire life. Conditions that most people would consider inhumane, or even cruel, are often legal. Despite these conditions, puppy mills continue to operate.⁵

Animal Welfare Act Enforcement

Animal Care enforces the AWA primarily through the use of inspections (pre-licensing inspections and unannounced compliance inspections) to licensed or registered facilities to review the care and treatment covered under the law. If a breeding facility is not in compliance with the law, the facility is given time to correct any deficiencies. APHIS' Investigative and Enforcement Services personnel investigate alleged violations when licensees or registrants have not taken corrective measures to come into compliance with the AWA. If an investigation leads to AWA enforcement action, APHIS will review and consider all probative, reliable, and properly authenticated evidence that is relevant and material to the allegations. Investigations that reveal AWA violations are acted on in a variety of ways, depending on their severity. Many infractions can be settled with an official notice of warning or a stipulation offer. Official letters of warning notify a licensee or registrant that further infractions can result in more stringent enforcement action. Stipulations allow alleged violators to pay a penalty in lieu of formal administrative proceedings.

In cases of serious or chronic violations, consequences become more substantial. Cases warranting formal prosecution undergo Department-level review for legal sufficiency prior to issuance of a formal administrative complaint. Formal cases may be resolved by license suspensions, revocations, cease-and-desist orders, civil penalties, or combinations of these penalties through administrative procedures.⁶

STATE LAW AND LOCAL ORDINANCE AND REGULATION

Many states have enacted their own local animal ordinances and regulations. According to the ASPCA, more than half of U.S. states have chosen to enact higher standards of care for commercially bred animals beyond the bare minimums required by the AWA.

In a recent case filed by a retail pet store challenging the city of Phoenix Arizona's newly enacted ordinance, *PUPPIES'N LOVE v. City of Phoenix, Dist. Court, D. Arizona 2015*, the court upheld the pet ordinance that bans the sale of any dogs (or cats) not obtained from animal shelters or rescue organizations. Supporters of the law were able to prove that one of the store's breeders inhumanely treated and kept their animals in substandard conditions, breeding female dogs every six to 12 months, keeping dogs in small enclosures without solid flooring, and who had at most six employees to take care of approximately 700 dogs, thereby proving that the puppies came from a perfect example of a "puppy mill".⁷

Not all states have licensing requirements, however. Unfortunately, 21 states have no laws on the books regulating commercial dog breeders—and a number of states that do require breeders to be licensed and inspected by the state only require commercial breeders to meet USDA standards of care.⁸

Retail pet stores, where the majority of their puppies come from puppy mills, claim that the AWA preempts states from enacting their own laws. The AWA "expressly contemplates state and local regulation of animals."⁹ The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals. "¹⁰ In *Perfect Puppy v. City of East Providence, C.A. No. 14-257 S (D.R.I. 2015)*, decided earlier this year, the court held that "a government's interest in preventing the evils associated with 'puppy mills including inhumane treatment of animals and overpopulation, are plainly legitimate [government] ends".¹¹

Retail pet stores: Exempt from regulation under the AWA or not

In 1966 when the AWA was passed, it did not cover retail pet stores, which meant that they were exempt from licensing and inspection. A retail pet store exemption existed due to how "retail pet store" was defined, as explained by the USDA: "retailers of pets covered under the exemption consisted mostly of traditional "brick-and-mortar" pet stores, as well as small-scale breeders whose place of business was typically their residence. Both types of retail outlets were exempted by the AWA as "retail pet stores" because, despite the many dissimilarities in how pet shops and

small-scale residential breeders conduct business, they share in common a business model in which buyers visit their places of business and personally observe the animals available for sale prior to purchasing and/or taking custody of them."

Effective November 18, 2013, and revised by the USDA, a "retail pet store" is now defined as, "a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs..."

Per USDA:

Traditional, "brick and mortar" pet stores will continue to be exempt from federal licensing and inspection requirements under the Animal Welfare Act." [They fit the new definition — the buyer can literally observe the animal before buying.] However, "traditional retail pet stores that also sell animals sight unseen must be licensed and inspected."¹²

Today you rarely see pet stores selling puppies. This is because of growing awareness, education and concern of the reality and sad truth about puppy mills; the very place of where many of our household pets come from.

Internet Sales

The use of the internet has raised concern as well. Breeders began selling puppies, and continue to do so, directly to the consumer without regulation or oversight, claiming "retail pet store" exemption. Those who purchase puppies via the internet buy "sight unseen", rely on what they've been told by the seller as to where the puppy was born, the history of bloodline, health records and so on. The cute puppy that becomes ill now becomes the buyer's problem, or even the shelter's problem when the buyer cannot afford the medical expenses.

Residence breeders

In *Doris Day Animal League v. Veneman*, 315 F.3d 297 (D.C. Cir. 2003), an Animal Rights Group challenged the validity of the USDA's regulations exempting breeders who sell dogs from their residences from licensure under the Animal Welfare Act. The Court of Appeals, **siding with the USDA**, held that regulation was reasonable interpretation of Congressional intent. This also extends to any breeder who sells to the public sight unseen, say over the internet, or in a newspaper ad.

Are breeding dogs considered pets or livestock?

In 2008, the 9th Circuit Court of Appeals did not decide on whether dogs are considered livestock or not, but held that "livestock" could encompass dogs.¹³ In California, the court concluded "that the scope of domestic animals used or raised on a farm can potentially extend to dogs."¹⁴

For many years breeding dogs were considered livestock and not pets, for the sole purpose of making a profit. In Missouri this is still the case. In the state of Minnesota, a dog breeder convicted of animal cruelty, subsequently argued that her breeding dogs are considered “livestock” and not pets and companion animals. In Minnesota, the "felony" level for the animal anti-cruelty statutes applies only to companion animals, not livestock. This is why, in the case previously mentioned against Kathy Bauck, she was not found guilty on felony charges. Categorically these animals receive less protection in the form of criminal anti-cruelty statutes and animal protection laws.

Opposition and Solution

Opponents claim it's the small businesses that are suffering and not the puppy mills themselves. Small businesses, if they truly cared, would research “reputable” breeders and purchase from them, and not a puppy mill. Commercially bred puppies are healthier than dogs sourced from small breeders and shelters, say commercial breeders. This is simply not the case. A “reputable” breeder is responsible in the care and treatment of their dogs and does not make their living off of selling dogs. They do not sell multiple breeds of dogs and generally specialize in only one specific breed. They invite you to visit their facility and meet the parents of the pup. They ask questions and provide legitimate information and records of the dog.

Adoption is a great way to find a dog or a pup. There are breed rescue groups. Oftentimes, shelters do have purebred dogs. It is estimated that 25% of purebreds are in shelters.¹⁵

CONCLUSION

We need uniformity across all states to bring us one step closer to putting an end to the puppy mill business. Enforcement of our existing laws as well as stronger regulation and oversight are most importantly needed to assure that commercial dog breeders are in compliance. All of this is for the benefit and well-being of breeding dogs and their pups that are then sold to the public. If we are aware of and educated on this issue, puppy mill businesses will not have the demand they need. Eventually they will go out of business. No dog deserves to suffer at the hands of a human. After all, a dog is “a man’s best friend”.

¹ <https://www.aspca.org/animal-cruelty/puppy-mills/closer-look-puppy-mills>. Web Accessed October 15, 2015.

² <http://www.humanesociety.org/news/news/2015/04/horrible-hundred-2015.pdf>

³ *State of Minnesota v. Kathy Jo Bauck*, #56-CR-08-2271, Otter Tail County District Court, Criminal Division, Seventh Judicial District

⁴ Animal Welfare Act (AWA), 7 U.S.C. § 2131 et seq

⁵ <https://www.asPCA.org/animal-cruelty/puppy-mills/closer-look-puppy-mills>. Web Accessed October 15, 2015.

⁶ https://www.aphis.usda.gov/wps/portal/aphis/resources/sa_enforcement_actions

⁷ *PUPPIES'N LOVE v. City of Phoenix*, No. CV-14-00073-PHX-DGC (D. Ariz. July 24, 2015).

⁸ <https://www.asPCA.org/animal-cruelty/puppy-mills/closer-look-puppy-mills>. Web Accessed October 15, 2015.

⁹ *DeHart v. Town of Austin*, 39 F. 3d 718 - Court of Appeals 1994

¹⁰ https://www.aphis.usda.gov/publications/animal_welfare/2012/animal_welfare_act_english.pdf

¹¹

https://scholar.google.com/scholar_case?case=10693857388020932455&q=PERFECT+PUPPY,+INC.+v.+City+of+East+Providence,+Dist.+Court,+D.+Rhode+Island+2015&hl=en&as_sdt=2006&as_ylo=2015

¹² <http://www.animalfolksmn.org/awa-licensing.html>. Web Accessed December 10, 2015.

¹³ *United States v. Park*, 2008 U.S. App. LEXIS 17075 (9th Cir. Aug. 11, 2008).

¹⁴ *Levine v. Conner*, 540 F. Supp. 2d 1113, 1116 (N.D. Cal. 2008).

¹⁵

http://www.humanesociety.org/issues/pet_overpopulation/facts/pet_ownership_statistics.html?referrer=https://www.google.com/. Web Accessed November 10, 2015.