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May 2, 2018

Representative Tom Barrett
Chair, Agriculture Committee
Michigan House of Representatives

Via email: Dakota Sota, Committee Clerk, dsoda@house.mi.gov; and Hand Delivered

Re: Opposition to HB 5916, HB 5917, House Agriculture Committee Meeting, May 2, 2018

Dear Rep. Barrett and Committee Members:

Thank you for the opportunity to address the committee. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. Our board of directors voted yesterday to oppose HB 5916 and 5917.

Summary:

While these bills may appear to increase regulation of pet stores, in reality they give little and take away much. HB 5916ⁱ defines four sources from which pet shops can obtain dogs, including large scale breeders, and imposes certain record-keeping and disclosure requirements on retailers. HB 5917 prohibits local governments from regulating pet stores. Taken together, these bills would void existing—and effective—local laws regulating the animals pet shops can sell, replacing them with a grossly inadequate and largely unenforceable state-wide regulatory scheme.

Of note, these two bills are the latest iteration of efforts around the country, supported by the pet store industry, under the guise of regulating that industry, to preempt effective and growing numbers of local ordinances prohibiting the sale of puppy mill dogs.ⁱⁱ

Discussion:

A major animal welfare concern is that many dogs for sale in retail pet stores come from large scale breeding facilities, or “puppy mills.” In the wake of information about the conditions under which the animals are kept, many localities, and even some statesⁱⁱⁱ have enacted legislation that bans pet stores from selling dogs and cats and other companion animals.

However, HB 5916 authorizes pet shops to continue sourcing dogs from large scale dog breeding kennels. It defines a “qualified breeder”^{iv} to include large scale facilities that meet certain requirements. These requirements relate to USDA licensure and no recent history of non-compliance with the Animal Welfare Act^v which is administered by the USDA.

These requirements may sound rigorous but are hollow. Consider:

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- Many puppy mills are USDA-licensed under the Animal Welfare Act which provides only minimal care standards: having a federal license does not imply compliance with high standards that are rigorously enforced
- USDA's record of inspecting facilities and imposing meaningful penalties is poor^{vi}
- Tracking a facility's history of violations under the Animal Welfare Act has become difficult if not impossible after the USDA in February 2017 removed animal welfare records from its website. These reports are inaccessible to the public, people interested in buying dogs from a pet shop, or animal control agencies; and renders the requirement that a large scale breeder be free from "a finally determined report of a direct noncompliance violation" and of "finally determined reports of noncompliance" unenforceable.

In short, large scale breeding facilities can continue to supply dogs to Michigan's pet stores under HB 5916. Meanwhile, HB 5917 takes away restrictions put in place by local governments, the most effective tool for driving down the demand for puppy mill dogs upon whose backs and bodies large scale breeders base their businesses.

Conclusion and Recommendation:

These bills, if passed, would negatively impact the welfare of dogs in this state. A more humane approach is legislation imposing a state-wide ban on the sale of dogs, as has been done in California and Maryland. **Attorneys for Animals urges this Committee not to report HB 5916 and 5917.**

Very Truly Yours,



Beatrice M. Friedlander, JD
President

ⁱ Amends Act 287 of 1969, "Pet Shops, Animal Control Shelters, and Animal Protection Shelters"

ⁱⁱ Similar bills were introduced in the 2018 Florida and Georgia legislative sessions; and in the 2017 Tennessee and Illinois legislative sessions; all failed

ⁱⁱⁱ California (2017), https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB485; and Maryland (April 2018),

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=HB1662&stab=01&pid=billpage&tab=subject3&ys=2018RS>

^{iv} A defined term, page 6 line 24 through page 7, line 16

^v 7 USC 2131 et seq.

^{vi} A 2010 report from the USDA Office of Inspector General, <https://www.usda.gov/oig/webdocs/33002-4-SF.pdf>, noted that the audit was conducted because of growing concern about so-called puppy mills and concluded that the agency "was not aggressively pursuing enforcement actions against violators of AWA and that it assessed minimal monetary penalties against them" [citation omitted]; a December 2017 bi-partisan letter from members of Congress called on the OIG to conduct a follow-up to the 2010 audit to address concerns that the agency was not sharing information about potential cruelty violations with state authorities and was "taking years to resolve enforcement actions," relative to commercial breeders, https://www.aspca.org/sites/default/files/final_signed_letter_to_usda_oig_fong_on_awa_enforcement_12.11.2017.pdf