



NEWS RELEASE

United States Department of Agriculture • Animal and Plant Health Inspection Service • Legislative and Public Affairs
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USDA Proposes to Close Loophole on Retail Pet Sales to Ensure Health and Humane Treatment

WASHINGTON, May 10, 2012--The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is proposing to revise its definition of "retail pet store" to close a loophole that has threatened the health and humane treatment of pets sold sight unseen over the Internet and via phone- and mail-based businesses. Under the current definition of "retail pet store," which was developed over 40 years ago and predates the Internet, some breeders selling pets are taking advantage of a loophole that improperly exempts them from the basic requirements of the Animal Welfare Act (AWA). The proposed rule will close this loophole, ensuring animals sold over the Internet and via phone- and mail-based businesses are better monitored for their overall health and humane treatment.

"This proposed change is aimed at modernizing our regulations to require individuals who sell animals directly to the public to meet basic care and feeding as required by the Animal Welfare Act," said Rebecca Blue, Deputy Under Secretary for Marketing and Regulatory Programs. "By revising the definition of retail pet store to be better suited to today's marketplace, we will improve the welfare of pets sold to consumers via online, phone- and mail-based businesses."

Specifically, APHIS is proposing to restore the definition of retail pet store—which comes with exemptions from certain requirements under the AWA—to its original intent, limiting it only to places of business or residence that each buyer physically enters in order to personally observe the animals available for sale prior to purchase and/or to take custody of the animals after purchase, and where only certain animals are sold or offered for sale, at retail, for use as pets.

The proposed rule would also increase from three to four the number of breeding female dogs, cats, and/or small exotic or wild mammals that a person may maintain before they would be required to be licensed, if they only sell the offspring of those animals born and raised on their premises, for pets or exhibition. This exemption would apply regardless of whether those animals are sold at retail or wholesale. These changes would ensure that animals sold at retail are monitored for their health and humane treatment and concentrate USDA's regulatory efforts on those facilities that present the greatest risk of noncompliance with the regulations.

The original exception for retail pet stores was created under the premise that consumers who enter a physical store to buy their pet can see for themselves that the pets are treated in a humane and healthy way. However, some breeders have begun selling more puppies via the Internet, telephone and mail, while avoiding oversight under the current definition of "retail pet store." These sales, where buyers receive their puppies via shipping, currently have little accountability regarding the health and condition

of the dogs before receiving them. There have been many reports of unhealthy puppies obtained sight unseen via the Internet.

APHIS is seeking comment in the proposed rule on how best to target enforcement and whether exemptions should be maintained or expanded for smaller breeders.

The proposed rule does not seek to change current standards for traditional retail pet stores, which are subject to individual state regulations. The AWA, enforced by APHIS, seeks to ensure the humane care and treatment of dogs and cats bred commercially, warm-blooded animals exhibited to the public, and others. The AWA does not apply to agricultural animals used for food or fiber.

This notice is scheduled for publication within a week in the *Federal Register*. The proposed rule is currently available at www.aphis.usda.gov.

Consideration will be given to comments received within 60 days of the rule's publication in the *Federal Register*. **Once the rule is published**, comments may be submitted either by visiting the Federal eRulemaking Portal at www.regulations.gov/#!documentDetail;D=APHIS-2011-0003, or by postal mail/commercial delivery 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.

Supporting documents and any comments we receive on this docket will also be available **once the rule is published** at www.regulations.gov/#!docketDetail;D=APHIS-2011-0003 or may be viewed in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Ave., SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. To facilitate entry into the comment reading room, please call (202) 690-2817.

With Agriculture Secretary Vilsack's leadership, APHIS works tirelessly to create and sustain opportunities for America's farmers, ranchers and producers. Each day, APHIS promotes U.S. agricultural health, regulates genetically engineered organisms, administers the Animal Welfare Act, and carries out wildlife damage management activities, all to help safeguard the nation's agriculture, fishing and forestry industries. In the event that a pest or disease of concern is detected, APHIS implements emergency protocols and partners with affected states and other countries to quickly manage or eradicate the outbreak. To promote the health of U.S. agriculture in the international trade arena, APHIS develops and advances science-based standards with trading partners to ensure America's agricultural exports, valued at more than \$137 billion annually, are protected from unjustified restrictions.

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