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Texas Sunset Advisory Commission
Submitted via email to sunset@sunset.texas.gov
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RE:

- 1) Staff Report's Recommendation #2.3 to Eliminate the TDLR Licensed Breeder Program – OPPOSE**
- 2) Staff Report's Recommendation #2.6 to Eliminate the TDLR Online Responsible Pet Owner Program – OPPOSE**

Licensed Breeder Program Comments

The Animal Legal Defense Fund is a national organization which includes an established supporter base of thousands of Texans. We concur with the program defense and improvement points in the memos submitted on this subject by the Texas Humane Legislation Network and the Humane Society of the United States, but also wish to offer additional comments from our perspective.

Our experience with litigation and legislative efforts on the subject of puppy mill regulation in numerous other states leads us to the conclusion that it would be folly for Texas to rely on the USDA licensing program as a satisfactory regulatory scheme for an alternative to the existing Texas state Licensed Breeder Program. By the Sunset Commission staff report's own findings, with 350 out of 400 researched state breeders currently having no federal license either, the proposed federal safety net is not now nor would it be a functionally sufficient option in the future to protect the animals involved in this business or the public. Additionally, with the majority of complaints being about unlicensed activity, that would only increase and go unchecked without this program. We ask to not roll back protections which would put out the welcome mat for puppy mills to operate in Texas.

Puppy mills are inhumane commercial dog-breeding facilities. Dogs are kept in crowded, filthy conditions without adequate exercise or socialization. Barren wire cages, inadequate (if any) veterinary care, and dirty water are hallmarks of puppy mills. Mother "breeder" dogs are bred frequently, giving birth to multiple litters every year. They are typically abandoned or killed when deemed no longer useful. Puppy mill operators maximize their profits by producing large numbers of puppies as quickly as possible. As a result, unsanitary conditions, disease, and neglect are rampant. It is common for dogs from puppy mills to suffer from genetic conditions, as well as deadly diseases including distemper, respiratory infections, mange, and various parasitic disorders. Dogs from puppy mills also frequently exhibit behavioral and psychological problems due to the lack of early socialization and being weaned too young.

The federal government has failed to meaningfully regulate puppy mills. Commercial dog breeders are regulated under the Animal Welfare Act (AWA). But the AWA provides only minimal protections and its

enforcement by the U.S. Department of Agriculture (USDA) is frequently criticized for allowing inhumane practices to go unchecked. There are two primary reasons why the AWA and USDA are not sufficient to protect dogs in commercial-breeding facilities:

- the AWA's standards are too minimal to ensure humane care and treatment, and
- the USDA does not effectively enforce the AWA.

Pet stores often claim that breeders licensed by the USDA are distinct from puppy mills, going so far as to advertise their dogs as "USDA-licensed." But being "USDA-licensed" is not something to brag about—these standards leave a lot of room for dogs to be severely mistreated. The reality is that many puppy mills are USDA licensed because the standard of care required by the AWA is so low.

Furthermore, the USDA has an abysmal track record when it comes to ensuring facilities meet even these minimal standards. The USDA is overburdened and as a result, USDA inspectors have a record of leniency towards commercial breeders. When confronted with a facility with AWA violations, the USDA usually issues warnings or negligible fines or takes no action at all. Most facilities do not lose their licenses. The USDA also does not employ enough inspectors to ensure facilities are in compliance. The USDA not only inspects puppy mills but also animals in research labs, circuses, and zoos. The agency last reported it employed 120 inspectors, who are responsible for ensuring compliance for more than 12,000 facilities. But again, due to the lack of enforcement by the USDA, these laws do little to protect animals.

Even if enforced to its fullest extent, the AWA only requires the bare minimum in housing facilities and care. These standards are far below what most citizens would consider humane, or even acceptable, and what Texas laid out in the Licensed Breeder Program established in 2011. The AWA also leaves significant discretion in the hands of puppy mill owners to decide what constitutes an adequate level of care for the dogs with respect to living environment, cleanliness and sanitation, feeding, veterinary care, housing structures, and comfort. These lax standards lead to a lot of animal suffering and potential consumer protection issues through sales of sick puppies that may require subsequent costly veterinary bills if they can even be saved.

When breeders are inspected, the findings do not always carry much weight because even breeders with severe violations regularly go unpunished. Also, the USDA does not look for AWA compliance when it renews breeder licenses every year. That means that breeders with violations for sick, neglected, or injured animals can stay in business—even though they are known to be breaking the law.

While the USDA turns a blind eye to cruelty, states must take a strong stand against it. Otherwise, animals and consumers suffer immensely. Instead of dismantling the Program, it should instead be strengthened to better protect all the animals involved and the families considering purchasing a puppy. Specifically, the requirement that only breeders selling 20 or more puppies and kittens be licensed should be removed because most sales are untracked cash transactions—making it near impossible to determine how many animals a breeder sells. Second, currently only breeders with 11 or more adult, intact female animals must be licensed. That number should be lowered to five (in line with the U.S. Department of Agriculture's requirement) to ensure all large-scale breeding facilities are being properly regulated. These statutory reforms would increase the number of licenses, raise revenue, and fund the enforcement needs.

Thousands of Texans asked for this law nearly a decade ago, and it has been essential to protecting dogs, cats, and families across the state. Maintaining and improving the Licensed Breeder Program supports law

enforcement, saves taxpayer dollars, and is an essential tool to stop puppy mill practices and animal suffering before they begin. Please do not roll back protections for dogs in puppy mills and dismantle the Licensed Breeder Program. Dogs in puppy mills need our protection. And the thousands of compassionate Texas who do not want these cruel businesses operating in their state will continue to advocate to maintain the intent of the 2011 law while making it even better. Your consideration of the full impact of this program is appreciated.

Online Responsible Pet Owner Program Comments

The Animal Legal Defense Fund also opposes the Sunset staff's recommendation to eliminate the Online Responsible Pet Owner Program (ORPOP). This new program has only just gotten off the ground and has not had a chance to fully realize its potential yet. It is important because it gives judges another valuable tool in sentencing to prevent future animal abuse and neglect.

The link between animal cruelty and graduated human violence has been well documented. Curtailing such violence at an earlier stage through preventive education is an cost-effective approach to criminal justice reform. Additionally, in HB 162 (85th Regular Session) TDLR was given authority to set the fees for ORPOP to cover the program's costs. ORPOP therefore does not cost the agency any money.

Having a statewide, online resource for such humane education provides an equal playing field for all municipalities, especially those in lesser-resourced rural areas, to access the same information which they might not be able to provide locally otherwise. This is beyond the fact that it is in the state's interest to ensure that state law is being accurately and uniformly portrayed in these courses.

Eliminating this program is premature. Until the program has had a chance to become part of the standard practice among judges, it is unfair to eliminate it at this stage.

Sincerely,



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