

The Doris Day Animal League is grateful for your leadership, with Senator Richard Durbin, on this bill of importance to millions of Americans. We are particularly pleased to see the long overdue language in your bill to clarify what constitutes a "retail pet store" under the Animal Welfare Act. And we appreciate the efforts of the humane community, veterinarians, breeders and government to address the significant problems associated with large, commercial breeding facilities selling puppies and kittens directly to the public.

From Skimming the Classified Ads to Surfing the Internet:  
How Technology has Changed the Face of Selling Animals Directly to the Public

Congressional intent for the Animal Welfare Act (AWA) amendments as passed in 1970 and 1976, was to ensure that breeders selling puppies and kittens through brokers to pet stores were appropriately licensed, regulated and inspected by the United States Department of Agriculture (USDA). The rationale for limiting the scope of the AWA was that a consumer who chose to purchase a puppy directly from a breeder could clearly see the housing and care provided to the animals. Consumers could visit the breeders' kennels to ascertain for themselves the humane treatment of the dogs.

However, technology has obfuscated the original intent of those amendments to the Act. In 1989, the Doris Day Animal League received contact from a man in Pennsylvania who had purchased a hunting dog through a classified ad in the back of a trade magazine. The breeder lived in Oklahoma and shipped the animal in cargo on a commercial airline to Pennsylvania. Unfortunately, the animal was very sick and died shortly after arriving in the state. USDA refused to investigate because the dog was sold at retail, and was classified as a "hunting, breeding or security dog", and the agency did not license those breeders.

Today in 2005, we can access any search engine on the Internet, type in the name of a specific breed of dog and find literally hundreds, if not thousands, of websites devoted to selling those puppies directly to the consumer. A puppy bred in Missouri may be listed for sale on a website bearing an address in Pennsylvania and sold to a consumer in Colorado. The interstate commerce opportunities afforded through the Internet have so significantly changed the retail puppy business that it is imperative these breeders who are selling directly to the public be required to obtain a USDA license, abide by the agency's minimal regulations and be inspected. Because this Internet technology ensures the ultimate consumer never sees their puppy prior to the purchase and therefore simply cannot assess the care and living standards provided by the breeder, we need a federal law to appropriately regulate this burgeoning interstate commerce to protect puppies and the people who love them.

Just as consumers purchase hundreds of thousands of televisions over the Internet each year, so too do they purchase living, breathing puppies. In a recent article in The New York Times, The American Pet Product Manufacturers Association stated that 200,000 American

households bought puppies online last year. These puppies, advertised on the Internet, may be sold for between \$500 and \$5,000. For high-volume, commercial breeders, Internet sales are a convenient, inexpensive way to mass market puppies across state lines.

#### The Increased Number of Direct Sales Animal Cruelty Cases: A Case for Federal Regulation Large Commercial Operations, Repeat Offenders:

Late in 2004, Barbara and Robert Woodley of Sanford, North Carolina were charged with cruelty, abuse and neglect of as many as 400 dogs kept on their property. They also kept birds. Initially, 200 dogs were seized and provided veterinary assistance. None of the dogs had been vaccinated for rabies since 2002. Ultimately, about 250 more dogs were seized. Veterinarians discovered open wounds and sores, blindness, internal parasites, tooth decay and skin scalding due to ammonia exposure, caused by urine and feces. Veterinary costs for the initial group of dogs had reached \$100,000 by April 2005.

Judge Andy Corbett found Barbara and Robert Woodley guilty of all charges of animal cruelty, sentenced them to 45 days in jail suspended for five years with conditions including a year of supervised probation. They Woodley's may not own, possess or control animals during the probation.

#### Successful local prosecution of cruelty:

On January 22, 2004, police raided the home kennel of Jennifer Siliski in Franklin, Tennessee, and seized 230 animals, 200 of whom were adult Maltese dogs. The animals were living in deplorable conditions, three or four to a cage, with cages stacked in two small rooms and the garage. The raid was precipitated by a call to Williamson County Animal Control from a man who had recently purchased three dogs from Siliski and found them to be in very poor health. This phone call was the beginning of what became a highly-publicized case involving a breeder who sold dogs through her Internet Web site.

Ultimately, dog breeder Jennifer Siliski was charged with 30 counts of animal cruelty, based on the cases of the 230 seized dogs that were the most egregious. In addition to the criminal case, civil and class action cases are also being considered due to numerous complaints from people who bought from her, who have reported dogs with parvo, heart murmurs, mange, socialization problems, and with their vocal cords surgically cut, a gruesome practice called "debarking". One veterinarian testified that some female dogs could barely stand and had large tumors, yet they were still being bred. Some of the dogs were severely dehydrated; others suffered from ear and uterine infections. At least three dogs were over age 13 and still being bred, despite blindness, dental disease and mange, according to the vet's testimony.

The local media immediately picked up on this story and the public--outraged about the treatment of the dogs--rallied to find them temporary homes. Six months after the local authorities seized the dogs, the case finally went to trial and the District Attorney's aggressive prosecution helped bring a guilty verdict by the jury on 11 of the 30 counts. Prior to sentencing, DDAL wrote to Judge R.E. Lee Davies, asking for stiff penalties to be handed down. Siliski was sentenced to 10 days in jail, one year of supervised probation and 50 hours of community service. She also was prohibited from trading or selling dogs in the future. Further, Judge Davis ordered the dogs to be sold at auction in order to help the county recoup the \$100,000 in expenses related to caring for them, but rejected the D.A.'s request that the animals be spayed or neutered.

Again, the public outcry was enormous, especially from those who had been fostering the dogs for several months. Selling the dogs at auction, they reasoned, would almost certainly put them back in the hands of breeders. In response, Williamson County Commissioners Houston Naron and Judy Hayes sponsored a resolution that would help the county recoup its money by selling the dogs, but would guarantee that the foster parents would have first right of refusal and the dogs would be spayed or neutered. The judge agreed to abide by the resolution, if adopted. DDAL again took action by contacting the county commissioners in support of the resolution. The County Commission unanimously approved the resolution, finally giving animal lovers and humane and caring citizens in Williamson County a reason to celebrate.

Breeders in New York Sell Sick Dogs to Consumers in Florida:

Oswego County, New York

On July 9, 2004, 23 dogs and puppies in Hannibal, New York, were rescued from Jerry and Sherry Schmidt, who were selling them directly to the public. The dogs were reportedly locked in cages, covered with urine, feces and fleas, some had no water and most didn't have food. A few of the dogs were outside without shelter or protection. Many were sick and had worms, several were pregnant, and one pregnant female was left outside to give birth in the mud.

The Schmidt's were apparently out of town at the time of the raid, but eventually surrendered to police upon learning of warrants for their arrest. They now face 23 counts of animal cruelty, plus separate felony charges of scheming to defraud and selling or offering to sell sick animals directly to the public. The case is currently moving slowly towards a possible trial, while the dogs remain in limbo, but, at least, safe, in foster homes.

Upon the arrest of the Schmidt's, local officials reported that they began receiving numerous complaints from customers across New York State and from as far away as Florida saying dogs purchased from the couple were in bad health and required numerous vet visits. Many customers claim to have tried unsuccessfully to contact the Schmidt's to obtain refunds.

## Lack of Opportunity for Federal Intervention Taylorsville, Kentucky

Laura Pope's breeding facility in Spencer County was shut down on September 2, 2004, following several complaints made by neighbors and others to the Spencer County Sheriff's Department. Investigators found approximately 100 dogs and puppies, mostly Siberian huskies, in deplorable conditions. They were kept in small, unsanitary pens with no protection from the elements.

Pope had reportedly been selling her dogs over the Internet to customers across the U.S. and overseas, and was charged with 95 counts of animal cruelty. The dogs were temporarily in the custody of local authorities, but have since been returned to Pope until the case is resolved, according to a judge's recent ruling.

## Breeder Loses USDA License - Reemerges Without a License to Sell Retail

In October 2005, Dansville, Michigan breeder Karen Cochran had 33 dogs seized from her property, with authorities working to locate another 62 dogs. The dogs suffered from brittle bones causing leg fractures, eye and ear infections and other health conditions. Ms. Cochran was selling puppies direct to the public. Previously she sold puppies at wholesale and held a USDA license, but after being cited for animal welfare violations in 1989 and 1992, she lost her USDA license. Unfortunately for the puppies and the public, Ms. Cochran simply avoided federal licensing and inspection by changing her business from sales to pet stores - which requires a license - to selling to the public. PAWS will prevent unscrupulous breeders, who have lost their USDA licenses, from simply changing their business to selling puppies over the Internet or through classified ads.

## A Domino Effect: The Impact on Consumers and Localities

The animals are not the only ones who feel the repercussions of the actions of unscrupulous breeders. In cases of reported abuse and neglect in which large numbers of animals are seized, the local humane organizations charged with their care must carry the burden as their resources are stretched to the limit. Bills for housing and vet care fall to the city or county governments and can run into thousands of dollars, with few options available to recoup the expenses.

Pending legal removal from the breeder once the case is settled, which often takes several months, the dogs can be made available for adoption, once given a clean bill of health by veterinarians. Unfortunately, these dogs often have not been adequately socialized due to having little contact with humans or appropriate contact with other animals while spending their lives in cages; therefore, these dogs are usually turned over to foster homes until they adapt to living closely with humans and can hopefully be adopted in the future.

And what of the cost to the caring consumer? American families bond with a puppy or kitten who quickly becomes a member of the family. When that beloved pet becomes ill and requires literally thousands of dollars of necessary veterinary care, only to have the dog sentenced to a lifetime of disease or a rapid death, both the dog and the family suffer.

### Prevent Cruelty, Provide for Animal Welfare, Not Burden Society

In many of these cruelty and neglect cases, as many as 100-200 dogs are seized by local authorities. These breeders are operating for-profit businesses and are not hobby breeders. The PAWS language clearly exempts any reputable breeder who sells a few litters of puppies and the Doris Day Animal League supports the threshold as it currently stands in the bill. Those breeders who sell more than six litters per year should be considered high-volume breeders, as supported by the American Kennel Club guidelines. And for the first time since DDAL launched its challenge of the existing "retail pet store" definition in the AWA in 1989, we have an opportunity to provide a level playing field for animal sold through large, commercial breeders who are currently licensed and those who should be licensed by USDA.

Our goal is to prevent animal cruelty, provide for animal welfare and ensure that society is not burdened with a problem that has a solution. By passing S. 1139, the U.S. Congress can begin to license large, commercial breeders who are using today's technology to avoid regulation under the minimum standards of the Animal Welfare Act. The Doris Day Animal League strongly urges the Senate Research, Nutrition and General Legislation Subcommittee and the U.S. Senate to expeditiously move the Pet Animal Welfare Statute.