



August 14, 2012

TO: Tom Vilsack, Secretary of Agriculture
Edward Avalos, Under Secretary, Marketing and Regulatory Programs

FROM: The Australian Shepherd Club of Washington (ASCOFWA), an Affiliate
of The Australian Shepherd Club of American (ASCA)

RE: Document ID: APHIS-2011-0003-0001
Document Type: Proposed Rule
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TITLE: Animal Welfare, Retail Pet Stores and Licensing Exemptions
Topic: Animal Welfare, Pets, Reporting and Recordkeeping
Requirements, Research

OUR STANCE: OPPOSED

THAT STATED, WE ALSO ARE OPPOSED TO "PUPPY MILLS."

The ASCofWA has become aware of the proposed rule changes noted above with great alarm, for these changes will have the unintended consequence of impacting not only the "hobby breeder" by regulating them out of their life's passion but will in essence, relegate the breeding of our nation's high-quality pets, show stock, helpmates in many forms, companions, and canine athletes to the domain of Large Scale Commercial Breeders, or, "production" breeders, if you will. We consider this backwards from the intent of the proposed changes.

What we see from your documents is this: "If we wish to have dogs treated humanely, let's take them from the stewards of the breed(s) and give them to the environment of large-scale breeders."

We consider this the antithesis of what the proposed rules are supposed to do: protect animal welfare. (Even The Humane Society of the United States suggests when seeking a dog from a responsible breeder the prospective buyer get a pup from a socially rich home environment; that is **not** a commercial production kennel.)



Furthermore, as a Breed Club that clearly defines its mission as preserving and protecting the Australian Shepherd dog, our *Breeder Code of Ethics* goes much farther than the Animal Welfare Act toward that end. The changes proposed here would make it virtually impossible for the hobby breeder, or fancier, or devotee, the very-small-scale breeder by any name, who has knowledge and vision... to continue in that endeavor given the caveats brought forth in this poorly written proposal.

One part of the ASCA *Breeder Code of Ethics* (the full text can be found at: <http://www.asca.org/codeofethics>) is as follows:

The breeder should be discriminating in the sale of his puppies and concerned with the type of homes in which they are placed. With this in mind, Australian Shepherds shall not be donated for raffles, give-aways, or sold to dog wholesalers or retailers, such as pet shops.

Let us look for a moment at a few key elements of the proposed changes:

ELEMENT I. The cut-off point for allowed number of (intact) females before becoming considered a commercial breeder under the proposed rule is four or five (your documents are not clear).

The basic assumption under the proposed change is fundamentally flawed; it makes absolutely no sense whatsoever to not consider “puppies produced” as the only real measure of a Commercial Breeding Facility. Why on earth would the USDA think “female-ness” is a proper measure of “production?”

WHY HAVE AN INTACT FEMALE IF YOU ARE NOT GOING TO BREED HER (as your proposed rule change would have the world believe)?

There are many reasons to not spay or neuter young dogs, not the least are:

1) Completing requisite health checks prior to breeding (a list of Aussie tests performed by responsible breeders, a designation to which we all aspire, found at <http://www.ashgi.org/articles/screening.htm>).

2) “Proving” the quality of our companions through life experience that can include conformation, stock-dog work, and many other varied and diverse performance events.

3) Not ignoring the growing body of evidence that is uncovering the perils of early spay and neuter for the canine athlete (an overview and further links can be found through the works of researcher Chris Zink DVM, PhD, DACVP, at



<http://www.caninesports.com/SpayNeuter.html>, with an extensive bibliography on this subject).

- ELEMENT IIa. All buyers must come to your home.
- ELEMENT IIb. If you as a some-time breeder sell even one pup that was not born at your home.
- ELEMENT IIc. Transport.

IIa. This sounds great on the surface but on closer scrutiny and from a devotee's perspective, this largely limits bloodlines to the immediate region, disregards relationships, often long-standing, between breeders and followers of one's particular dogs, opens the fancier to disease that otherwise might not come through casual contact by allowing prospective but not serious buyers to visit with the purpose of viewing puppies, and allows strangers to come to your home prior to a screening process.

Further, when one belongs to a Breed Club such as the ASCofWA, ties are formed throughout the United States and the world amongst those who share each individual's vision for where they wish their dogs to go in the future ... be it conformation, performance or as in our case, also in the specialized area of versatile stock-dog work. Although our Club is large as dog clubs go, and our breed club is considered large, the absolute numbers of ASCA Australian Shepherds is really quite small. This famous and versatile American breed, through the devotion of its Club Members, has spread throughout the world and is companion, show dog, and work partner now throughout the world. To make the caretakers of this breed become Commercial Kennel operators will literally "kill the breed."

IIb. A hobby breeder might enter into an agreement with another breeder in the quest for a good cross that makes it possible to get a pup back from that cross that eventually does not fit perfectly into their program. Should they find this pup an appropriate home, that action would take them into the realm of Commercial Kennel? This seems backwards; finding an appropriate and loving home should be a good thing and not take one into the class of Commercial Breeder and needing a USDA license, especially if the stated aim of these changes is Animal Welfare. There are many other good and justified reasons for a small-scale breeder to have a pup not born at their home pass through their hands that have been extensively addressed in the comments on the APHIS site.

IIc. As a Club, we are active in breed rescue efforts and support our Australian Shepherd Rescue network (www.aussierescue.org/) with both money and time. Should these rules be adopted, if our members transport even one rescue dog, this too could put them into the classification of Commercial Kennel. This seems to be an unintended consequence but nonetheless, it IS how the document is worded.

ELEMENT III. The sale of dogs over the Internet.



If indeed the purpose of this proposed change is to do away with the loophole of wholesaling dogs over the Internet, then that is how the rule should be written. Wholesalers. In our modern age, many small-scale breeders do have and maintain websites that are a wealth of information and very useful to the lay public in finding the right dog for them. As working dogs, Australian Shepherds are not for everyone and any Breed Club member states that upfront as a screening process begins, as do the websites of both parent and affiliate Club. Surely, the USDA would better use its resources in tracking down Internet wholesalers of dogs rather than adding tens of thousands of hobby breeders who brag about their dogs and their accomplishments and who occasionally might sell a puppy or two in this manner? There is an entire world of difference. Breed Club members are ever vigilant for Internet wholesalers who are misleading. This makes us as unhappy as anyone; probably unhappier for we love our breed and are devoted to their safekeeping.

These rule changes are just astonishing – the USDA wants to license the small hobby breeder? With all the resources at your disposal, can you not see how the hobby breeders of America work so hard to ensure the health of their breeds through Breed Clubs, health research, health screening, vast informative websites, competitive programs, education ... the list is endless.

We beseech you to back up and rewrite these proposed rule changes to actually impact your intended target: those people engaged in inhumane treatment of dogs through what we have all come to know as “puppy mills” rather than those who work so hard to provide the best possible homes, lives, and futures for their beloved breeds.

These proposed changes are not the road to that end.

submitted by
The Australian Shepherd Club of Washington
Affiliate of The Australian Shepherd Club of America

