



Animal Welfare Institute

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TESTIMONY ON OHIO H.B. 506

Presented by Vicki Deisner, Animal Welfare Institute

Before the Ohio Senate Agricultural Committee

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Chair Hackett, Vice-Chair Hoagland, and Ranking Minority Member O'Brien, I am Vicki Deisner, government affairs representative for the Animal Welfare Institute (AWI). AWI is a national animal welfare organization founded in 1951 and dedicated to reducing animal suffering caused by people. We seek better treatment of animals everywhere—in the laboratory, on the farm, in commerce, at home, and in the wild. On behalf of our thousands of Ohio members and supporters, AWI comes before you to strongly oppose HB 506, which fails to provide reasonable protections for dogs bred in puppy mills in Ohio. The state's brutal and thriving puppy mill industry would not be curtailed by this bill. On the contrary, those with a financial interest in keeping the puppy mill industry afloat support it, and it would provide cover for those who wish to continue profiting from the suffering of animals.

Puppy Mills Overview

Puppy mills are operations that breed large numbers of dogs to sell in the commercial pet trade. Puppy mills are also places where profits take precedence over animal welfare. Consumers are intentionally prevented from ever seeing the breeding operations because they would be appalled at what they would find. At the mills, the animals are not recognized as sentient beings; rather, they are mere production stock.

Breeding animals typically spend their entire lives confined in small, barren wire cages. The females are denied an opportunity to rest and recuperate between litters. Once they are physically worn out and stop reproducing successfully, they are dumped or killed. The kennels are overcrowded, filthy and dimly lit for the dogs, and there is no socialization, let alone nurturing or opportunity for play outside the confines of the cages. Many dogs in puppy mills suffer from dehydration and malnutrition, lack of dental care leading to rotting jaws, eye infections, ulcerations and dermatitis and ulcerated skin from urine and feces falling through wire bottom cages, tick infestations, ingestion of contaminated food, and diseases borne from unsanitary conditions. These issues have been visually documented by the USDA Office of Inspector General (OIG) in their inspection reports of problematic breeders. The ASPCA has accumulated over 10,000 photos taken by the USDA during routine inspections of facilities, which demonstrates these issues are not exception, but rather the rule (nopetstoepuppies.com/buy-a-puppy). Generally, the breeders have no concern for genetic abnormalities, either, that may be

passed from parents to the offspring such as heart disease, kidney disease, hip dysplasia, and cataracts.

Current Circumstances in Ohio

Ohio is a notorious stronghold for puppy mill operations. The Commercial Dog Breeders Act, which went into effect in 2013, requires the licensure and annual inspection of high volume breeders that sell 60 dogs and produce at least 9 litters in a single year. However, while this law was a strong step in the right direction, the Ohio Department of Agriculture (ODA) has stated that it is very difficult to enforce. Nearly 900 breeders are on the department's "action list," meaning that they may meet the threshold for licensure but aren't currently licensed or inspected. This means that approximately two-thirds of puppy mills are not actively regulated by the state. ODA has said that it does not have the authority to visit facilities that should be licensed but are not, and this bill does not address this critical deficit in enforcement.

Due to these shortcomings of the Commercial Dog Breeders Act, Ohio continues to be second only to Missouri in the number of federally licensed commercial dog breeding facilities. As of June 2017, there were 263 state-licensed high-volume breeders and 260 USDA-licensed commercial breeders in Ohio. Ohio is also a major importer of puppy mill puppies, as mills across the country sell to Ohio consumers via pet stores, the internet, and other indirect methods. Illustrative of the problems that beset Ohio puppy mills, in 2017, 12 of them were included among The Horrible Hundred, a list of the 100 worst puppy mills in the country. A number were on the list for a second time, but for Berlin Kennel in Millersburg, third time was the charm. In June 2016, owner Marvin Burkholder received an Official Warning from USDA for violations, on at least four separate occasions, of the federal Animal Welfare Act relating to veterinary care. Despite this warning, more violations were cited in August of that same year. And these were on top of repeat violations in 2014 and 2015.

Implications of HB 506

There are a number of breeding facility welfare reforms that would result in proper regulation of Ohio's puppy mill industry and take meaningful steps towards ending the extreme cruelty that is currently the norm at these operations. However, they are not contained in HB 506.

HB 506 would not simplify enforcement for the ODA. Rather, it changes the threshold for coverage to any breeder who keeps, houses, and maintains 6 or more breeding dogs and does one of the following:

- 1) in return for a fee or other consideration, sells five or more adult dogs or puppies to a dog retailer or pet store,
- 2) in return for a fee or other consideration, sells 40 or more puppies in any given calendar year to the public, or

3) keeps, houses, and maintains, in any given calendar year, 60 or more puppies that are under six months of age, that are bred on the premises of the establishment, and that are kept, housed and maintained on the premises of the breeder's establishments from birth. The new sportsmen's exemption creates a loophole that invites failure by providing that unspayed adult female dogs who are used both for breeding and for hunting and field trial activities do not count as a breeding dog when determining if a breeder is a puppy mill.

This definition of a high-volume breeder sets forth a more complicated standard than current law that will not ease enforcement issues. The coverage of the law is not only complicated as it applies to Ohio breeders, it is realistically unenforceable in as it applies to out-of-state breeders. H.B. 506 generally requires dog retailers and pet stores, prior to purchasing a dog from an in-state or out-of-state breeder, to verify that the breeder is in compliance with Ohio's standards of care. How could Ohio dog retailers and pet stores verify that the breeder is complying with Ohio law? Ohio Dog retailers, pet stores, and the Ohio Department of Agriculture (ODA) will certainly not be making site visits to out of state breeders, and inspection reports and other information that used to be available from USDA for its licensed breeders have been made unavailable or deliberately difficult to access. This would allow unscrupulous breeders from other states to continue selling to Ohio consumers.

Though House Sub-bill 506 is an improvement with regard to the requirements for cage size and solid flooring, it does not set forth adequate requirements for food and water, specifying merely that the food be provided in accordance with a nutritional plan recommended by a veterinarian. The result of this language is that food could be provided only once per day, and water could be provided in very small quantities. Furthermore, H.B. 506's temperature regulations are vague, nearly impossible to enforce, and are largely at the discretion of the breeder.

The exercise provision in HB 506, which mandates an opportunity for daily exercise and access to daylight, is too vague to ensure that it benefits the dogs. There is no specificity on how often each day that opportunity needs to exist or what would qualify as an "opportunity." It is equally unclear what would constitute "outdoor access." To ensure that breeders adhere to reasonable animal welfare standards, detailed provisions requiring constant outdoor access and freedom of movement are vital.

Dogs are highly social animals, and isolation or incorrect socialization generally produces mental distress, including chronic anxiety and the development of abnormal behaviors. H.B. 506's inadequate socialization requirements could be met simply by petting a dog for briefly once a year. Dogs who suffer from maladaptive behaviors resulting from poor or nonexistent socialization are unlikely to become safe and well-adjusted family companions when they leave the facility.

HB 506 does not provide guidelines for vaccinations or parasite control, leaving breeders with a dangerous amount of discretion about illnesses that affect both animal health and public safety. Shockingly, the bill establishes no requirements whatsoever for surgical procedures or euthanasia, despite the fact that shooting, drowning, or poisoning unwanted breeding dogs and unsold puppies are common practices at puppy mills.

Finally, HB 506 does not improve breeding standards at puppy mills. It does not require screening for congenital disorders or prevent breeding of dogs with conditions likely to affect offspring. These genetic disorders can be painful and crippling, may cost Ohio consumers thousands of dollars to treat, and may limit the health, mobility, or lifespan of a dog. The bill also fails to limit the number of litters a dog may be forced to produce. This lack of protection for mother dogs enables the continuation of constant, exploitative breeding that results in lifelong physical ailments.

It is clear that HB 506 would benefit the dog breeding industry at the expense of animal welfare and consumer protection. It provides a smokescreen of provisions that sound humane while accomplishing nearly nothing to close the devastating gaps in the Commercial Dog Breeders Act. AWI strongly urges the Senate Agricultural Committee to oppose HB 506. Thank you for your time and consideration of this issue.

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