

BEFORE THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

PETITION REQUESTING THE COMMISSION UNDERTAKE A RULEMAKING TO
REQUIRE THAT COMMERCIALLY BRED DOGS PLACED INTO COMMERCE BE
ACCOMPANIED BY WRITTEN WARNINGS OF THE RISK OF CONTRACTING
CAMPYLOBACTER INFECTION FROM CONTACT WITH THE DOGS

Submitted by the Humane Society of the United States and the Humane Society Legislative Fund

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I. INTRODUCTION

Pursuant to Sections 7 and 9 of the Consumer Product Safety Act, 15 U.S.C. §§ 2056(a)(2) and 2058 (CPSA or the Act), the U.S. Consumer Product Safety Commission (CPSC or the Commission) regulations, 16 C.F.R. § 1051, *et seq.*, and Section 553(e) of the Administrative Procedure Act, 5 U.S.C. § 553(e), the Humane Society of the United States (HSUS) and the Humane Society Legislative Fund (HSLF) submit this petition requesting the Commission initiate rulemaking to (1) establish requirements that dogs bred commercially for distribution in commerce be accompanied by clear and adequate warnings of the risk to people of contracting *Campylobacter* infection, or campylobacteriosis, from contact with the dogs, and (2) establish requirements with respect to the form of the warnings, including the form of signage to be posted near the dogs' cages in pet stores or on the websites where dogs are being sold or advertised online.¹

Campylobacteriosis is a serious infectious disease caused by a family of bacteria, one species of which--*Campylobacter jejuni*--recently sickened nearly 150 people who contracted it from infected, contagious dogs sold in pet stores in more than 20 states.² *Campylobacter* infection is characterized by diarrhea (frequently bloody), abdominal pain, fever, nausea, and sometimes vomiting.³ Infection can result in long-term consequences, such as arthritis, irritable bowel syndrome (IBS), and Guillain-Barré syndrome (GBS).⁴ Most concerning, according to the Centers for Disease Control and Prevention (CDC), "[t]he outbreak strain of *Campylobacter jejuni* is exceedingly resistant" to

¹ 15 U.S.C. § 2056 (the Commission may promulgate consumer product safety standards to require that a consumer product be accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions.)

² Centers for Disease Control and Prevention, *Outbreak of Multidrug-resistant Campylobacter Infections Linked to Contact with Pet Store Puppies* (Dec. 17, 2019), <https://www.cdc.gov/campylobacter/outbreaks/puppies-12-19/index.html>, attached as Ex.1; Centers for Disease Control and Prevention, *Multistate Outbreak of Multidrug-Resistant Campylobacter Infections Linked to Contact with Pet Store Puppies* (Jan. 30, 2018), <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>, attached as Ex. 2.

³ Centers for Disease Control and Prevention, *Campylobacter (Campylobacteriosis): Information for Health Professionals*, <https://www.cdc.gov/campylobacter/technical.html> (last reviewed Dec. 23, 2019), attached as Ex. 3.

⁴ *Id.*

antibiotics.⁵ Antibiotic resistance is a significant public health issue, and the increased resistance of *Campylobacter* bacteria is considered a serious health threat.⁶ As described more fully below, antibiotics are used prophylactically throughout the puppy mill industry as a hedge against the dogs becoming ill from the unsanitary, overcrowded conditions in which they are kept. Antibiotics are also used indiscriminately as a substitute for veterinary care for the dogs.

When alerted to the first *Campylobacter* outbreak in August 2017, the U.S. Centers for Disease Control (CDC), the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA-APHIS), and state health departments undertook a comprehensive investigation to trace the bacterial strain, with the goal of limiting future illnesses.⁷ They traced the strain to dogs being sold in pet stores, specifically Petland pet stores,⁸ and learned that throughout the commercial breeding and retail industry, antibiotics are given even to healthy dogs, to slow the spread of disease in the overcrowded, unsanitary environments in which the dogs live.⁹ Dr. Robert Tauxe, Director of the Division of Foodborne, Waterborne and Environmental Diseases at CDC’s National Center for Emerging and Zoonotic Infectious Diseases, wrote at the conclusion of the first investigation: “The puppy story is not over – it is difficult to control with a whole system that lacks hygiene at many points and seems to use antibiotics instead.”¹⁰ This overuse explains why the outbreak strain was exceedingly resistant to antibiotics: “Prophylaxis appears to be nearly universal with a variety of agents against agents of diarrhea and pneumonia....There seems to be no concept of stewardship.”¹¹

The rule requested in this petition is necessary because the public is unaware of the risk of

⁵ Email dated Nov. 1, 2017 from Dr. Robert V. Tauxe, M.D., M.P.H., Director, Division of Foodborne, Waterborne and Environmental Diseases, National Center for Emerging and Zoonotic Infectious Diseases, CDC, to colleagues, attached as Ex. 4.

⁶ Centers for Disease Control and Prevention, ANTIBIOTIC RESISTANCE THREATS IN THE UNITED STATES: 2019 at 4 (Dec. 2019), <https://www.cdc.gov/drugresistance/pdf/threats-report/2019-antibiotic-resistance-report-508.pdf>.

⁷ *Supra* note 2, Ex. 2.

⁸ *Id.*

⁹ Email dated Jan. 19, 2018, from Dr. Robert V. Tauxe, CDC, to J.A. Wagenaar, attached as Ex. 5.

¹⁰ *Id.*

¹¹ Email dated Feb. 7, 2018, from Dr. Robert V. Tauxe, CDC, to colleagues in Australia, attached as Ex. 6.

contracting this serious infection (made more serious by its resistance to the antibiotics commonly used to treat it¹²) simply from contact with puppies in pet stores.¹³ The transmission of infectious disease from nonhuman animals to humans is of great concern now, due to Covid-19, and the pandemic has starkly illustrated the important role of an informed public in combatting infectious disease. While campylobacteriosis is less dangerous than Covid-19, we believe this public health risk, which is closely connected to consumer behavior, deserves the Commission's attention.

Additionally, people who contracted campylobacteriosis and had to be hospitalized during the pandemic have had to cope with the added fear, and risk to their health, of contracting Covid-19 because they were in a hospital setting.¹⁴ HSUS was recently contacted by a consumer whose daughter was infected with campylobacteriosis from their new Petland puppy and who had to be hospitalized for a week during the pandemic. Katrina Metzler of Arlington, Virginia contacted HSUS after her 18-year-old daughter contracted *Campylobacter* from a puppy purchased at the Petland in Athens, Ohio, while visiting family there. The young woman was sick for a month, hospitalized for a week, and required two blood transfusions in April 2020, during the first spike of community spread of the novel coronavirus. Ms. Metzler was permitted to visit her daughter daily at the hospital despite a stay-at-home order in Washington, D.C. at that time, though fear of contracting the potentially lethal virus was a concern for the entire family, especially her daughter who was weakened by the campylobacteriosis and severe anemia. The hospital was inundated with positive Covid-19 cases, and staff were stretched thin while the pandemic reached new heights in the area.

While other federal agencies work to limit the spread of disease, it is uniquely within the mission of the CPSC to warn consumers about risks posed by products in the marketplace, so they can make informed choices. CDC continues to investigate the second, ongoing *Campylobacter* outbreak from

¹² *Supra* note 2, Ex. 2.

¹³ *Id.*

¹⁴ *See, e.g.*, Doctors worry the coronavirus is keeping patients away from US hospitals as ER visits drop: 'Heart attacks don't stop', CNBC, Apr. 14, 2020, <https://www.cnbc.com/2020/04/14/doctors-worry-the-coronavirus-is-keeping-patients-away-from-us-hospitals-as-er-visits-drop-heart-attacks-dont-stop.html> (discussing trend across the country of people avoiding hospitals even when they need care, out of fear they will get Covid-19), attached as Ex.7.

pet store dogs¹⁵ and *Campylobacter* is still being transmitted to people through pet store puppies.¹⁶ But CDC has also asserted its position that it lacks regulatory authority to regulate pet stores or their practices.¹⁷

Dogs are undeniably sentient creatures capable of feeling pain, physically and psychologically. When they are commercially bred and sold at retail, however, they meet the CPSA's definition of "consumer products." Accordingly, they are subject to the Commission's jurisdiction, as discussed in section III. Dogs bred in puppy mills and sold at retail are products under the CPSA because they are manufactured as if they were inanimate objects: widgets, rather than living, social animals with emotional lives, the ability to suffer and feel pain, and natural instincts and needs. At commercial breeding facilities puppies and breeding dogs typically live in cramped, unsanitary conditions and receive inadequate veterinary care, which directly cause the diseases they contract so frequently.¹⁸

In support of this Petition and as recommended by the Commission, Petitioners have included herein relevant factual background on the practices of the commercial dog breeding industry that encourage the spread of disease and drug-resistant bacterial strains, and CDC's traceback of the *Campylobacter* strain to puppies in pet stores, predominantly Petland stores.¹⁹ See section IV.

¹⁵ *Supra* note 2, Ex. 1.

¹⁶ See, e.g., letter dated April 14, 2020, from Dr. Robert V. Tauxe, CDC, to J.P. Goodwin, HSUS, ("Recent investigations led by CDC and state health departments indicate that *Campylobacter* is still being transmitted to people through pet store puppies"), attached as Ex. 8.

¹⁷ *Id.* While HSUS does not agree with this position and thinks CDC may have more authority than it has stated, we recognize that it has taken this position.

¹⁸ *Supra* note 9, Ex. 5 (commercial breeding industry is "a whole system that lacks hygiene at many points and seems to use antibiotics instead" to fight off infections); Humane Society Veterinary Medical Association, VETERINARY REPORT ON PUPPY MILLS 6 (2013), http://www.hsvma.org/assets/pdfs/hsvma_veterinary_report_puppy_mills.pdf (puppy mill dogs suffer from many diseases, parasites and illnesses in addition to *Campylobacter*, including parvovirus, canine brucellosis, canine distemper virus, *Bordetella bronchiseptica* (kennel cough), pneumonia and other respiratory infections, as well as *Giardia* and *Coccidia*), attached as Ex. 9.

¹⁹ 16 C.F.R. § 1051.5(b) ("The Commission encourages the submission of as much information as possible related to the petition. Thus, to assist the Commission in its evaluation of a petition, to the extent the information is known and available to the petitioner, the petitioner is encouraged to supply the following information or any other information relating to the petition.").

II. INTEREST OF THE PETITIONERS

Petitioner the HSUS, headquartered in Washington, D.C., is the largest animal protection organization in the United States, with millions of members and supporters worldwide. Since its founding in 1954, HSUS has worked to combat animal abuse and exploitation and to promote animal welfare. As one of its core campaigns, HSUS actively strives to improve the lives and end the suffering of the millions of adult dogs and puppies confined in inhumane, substandard commercial breeding factories commonly referred to as puppy mills.²⁰ Pet stores are a major outlet for puppy mill puppies, largely because they provide a readily available supply of “desirable” breeds, and as consumers in pet stores do not see the deplorable conditions the puppies are born and raised in, pet stores are able to mislead consumers about the puppies’ origins and sell the puppies at tremendous mark-ups.²¹

Petitioner HSLF, also based in Washington, D.C., is the separate lobbying affiliate of HSUS that works to pass animal protection laws at the state and federal levels, to educate the public about animal protection issues, and to support humane candidates for office. HSLF works to end the suffering of puppies and adult dogs in puppy mills by working directly with federal regulators and lawmakers to improve the standards of care, hold bad actors accountable, and protect consumers who fall victim to the deceptive practices commonly used in the industry.

Petitioners engage in education and advocacy to expose the cruelty involved in commercial breeding operations and to encourage consumers not to purchase puppies born in such facilities. Over the past two years HSUS conducted eight undercover investigations at Petland stores; Petland is the only national pet store chain still selling puppies. These investigations revealed widespread neglect and abuse of dogs, including the denial of veterinary care, the failure to test even

²⁰ Humane Society of the United States, PUPPY MILLS: FACTS AND FIGURES (Jan. 2021), <https://www.humanesociety.org/sites/default/files/docs/Puppy%20Mill%20Facts%20and%20Figures%20January%202020.pdf>, attached as Ex. 10.

²¹ *See, e.g.*, Humane Society of the United States, PETLAND CORPORATE STORE FOUND COVERING UP DISEASE OUTBREAKS – AN UNDERCOVER INVESTIGATION BY THE HUMANE SOCIETY OF THE UNITED STATES 6 (Nov. 2019), <https://www.humanesociety.org/sites/default/files/docs/FlorenceKY%20Petland%20Investigation%20Report.pdf>, attached as Ex.11.

symptomatic puppies for contagious diseases such as *Campylobacter*,²² as well as rampant deceptive conduct toward consumers regarding the health of the puppies, and the sale of sick animals.²³

III. THE COMMISSION HAS JURISDICTION OVER COMMERCIALY BRED DOGS AS CONSUMER PRODUCTS.

The Commission has the power to regulate the interstate sale of commercially bred dogs because such dogs fit within the Act’s definition of “consumer product”: “any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.”²⁴ Commercially bred dogs are “produced” and “distributed” “for sale” to “consumers” for the “enjoyment” in their “household.”

A 1974 Commission opinion concluded that pet turtles are consumer products and subject to regulation by the Commission.²⁵ Pet turtles, the opinion noted, fit within the definition of consumer product: “Such turtles are more frequently raised in ponds on turtle farms rather than caught in the wild or they are imported. Thus, they are customarily produced or distributed for sale, or for personal use or enjoyment.”²⁶ The same is true for puppies bred in commercial breeding facilities.

The opinion further noted that Congress did not include pet animals in the list of specific articles that may not be called consumer products, such as tobacco and pesticides.²⁷ The Commission

²² Humane Society of the United States, UNDERCOVER INVESTIGATION OF PETLAND IN FRISCO, TEXAS, FINDS UNDERWEIGHT AND SICK PUPPIES; SICK RABBIT LEFT TO DIE, <https://www.humanesociety.org/sites/default/files/docs/Petland%20Frisco%20Report%20Final%209.10.19.pdf> (last visited Feb. 9, 2021), attached as Ex. 12.

²³ *Id.*

²⁴ 15 U.S.C. § 2052.

²⁵ Opinion of the Commission dated January 29, 1974 (number 78), attached as Ex. 13.

²⁶ *Id.*

²⁷ 15 U.S.C. § 2052. *See Madar v. United States Citizenship & Immigration Servs.*, 918 F.3d 120, 123 (3d Cir. 2019) (“Under the interpretive canon *expressio unius est exclusio alterius*, we presume that “[t]he expression of one thing implies the exclusion of others.” The 1952 Act, as amended,

opinion further concluded that the Commission also has jurisdiction over pet turtles, who can transmit salmonellosis,²⁸ based on section 2(b) of the Act, which states that “one of the Act’s purposes is to promote research and investigation into the causes and prevention of product-related illnesses ... as well as product-related deaths and injuries.”²⁹ This rationale applies equally here, given that the *Campylobacter*-infected pet store puppies are diseased, and Petitioners are asking the agency to issue regulations to combat the spread of this disease from puppies, as the “product,” to the consumer.

A subsequent Commission opinion issued in 1990 re-examined the 1974 opinion, and appeared to conclude that a wolf hybrid dog, as a living animal, was not a product and thus lay outside Commission jurisdiction.³⁰ The opinion also made clear, however, that animals that were subjected to processing, or manufactured, might be consumer products under the Act.³¹ Commercially bred dogs are indeed processed and manufactured through an essentially factory-like process, as more fully described below, and are treated as products in commerce, and thus come within the Commission’s jurisdiction based on the reasoning in this opinion.

Relatedly, several courts have found that, especially when people are injured by diseased pets that are sold to consumers, the pets are products for purposes of plaintiffs’ products liability claims because it is more fair for a breeder, distributor, or retailer, and not a consumer, to be responsible for the consequences arising from the commercial enterprise. In *Beyer v. Aquarium Supply Co.*, the plaintiff became ill after contact with a diseased hamster. A New York court stated:

The purpose for imposing this doctrine in the products liability field is to distribute fairly equitably the inevitable consequences of commercial enterprise and to promote the marketing of safe products. Accordingly, there is no reason why a breeder, distributor or vendor who places a diseased animal in the stream of commerce should be less accountable for his actions than one who markets a

identifies just two exceptions to the physical presence requirement... “[T]he existence of these two articulated exceptions to the physical presence requirements undermines [the] argument that this Court should add a third...” *Tullius v. Albright*, 240 F.3d 1317, 1321 (11th Cir. 2001).”).

²⁸ *Supra* note 25, Ex. 13.

²⁹ *Id.*

³⁰ Opinion of the Commission dated April 16, 1990 (number 311), attached as Ex. 14.

³¹ *Id.*

defective manufactured product. The risk presented to human wellbeing by a diseased animal is as great and probably greater than that created by a defective manufactured product and in many instances, for the average consumer, a disease in an animal can be as difficult to detect as a defect in a manufactured product.³²

A Connecticut court cited the *Beyer* court's reasoning when it ruled that a puppy purchased at a pet store, which was diseased and carrying a parasite when it was sold, was a product.³³ The plaintiff's child suffered serious eye damage and loss of sight in one eye from exposure to the diseased puppy.³⁴ The court also noted that the state legislature clearly addresses pets as products in the state's "Pet Lemon Law," and that the Uniform Commercial Code recognizes animals as "goods."³⁵ Dogs also generally are considered property as a legal matter.³⁶

In *Sease v. Taylor's Pets*, which involved a pet skunk that turned out to be rabid, the court rejected the defendant pet store's argument that the skunk was not a product and pointed out that the Restatement (Second) of Torts makes expressly clear that a product need not be manufactured or processed to be considered a "product" that allows liability to attach.³⁷ The court found that the protection offered by the products liability statute to consumers injured by defective products was appropriate for pets, where diseased conditions might not be apparent to consumers.³⁸

While these rulings are not binding on the Commission, their reasoning is persuasive here when considering commercially bred dogs as consumer products, and why fairness principles dictate they should be treated as such, given the proven risk they pose to consumers. Commercial breeders are

³² *Beyer v. Aquarium Supply Co.*, 94 Misc. 2d 336, 337, 404 N.Y.S.2d 778, 779 (N.Y. Sup. Ct. 1977).

³³ *Worrell v. Sachs*, 41 Conn. Supp. 179, 180, 563 A.2d 1387, 1387 (Conn. Super. Ct. 1989).

³⁴ *Id.*

³⁵ *Id.*

³⁶ See, e.g., *Bennett v. Bennett*, 655 So. 2d 109, 110 (Fla. Dist. Ct. App. 1995) ("While a dog may be considered by many to be a member of the family, under Florida law, animals are considered to be personal property"); *Barking Hound Vill., LLC v. Monyak*, 299 Ga. 144, 147, 787 S.E.2d 191, 194 (2016) ("Georgia law clearly provides, that a pet dog has value and is considered the personal property of its owner"); *Covatch v. Cent. Ohio Sheltie Rescue, Inc.*, 2016-Ohio-1241, ¶ 18, 61 N.E.3d 859, 863 ("Ohio law considers a dog to be personal property").

³⁷ *Sease v. Taylor's Pets, Inc.*, 74 Or. App. 110, 116, 700 P.2d 1054, 1058 (1985).

³⁸ *Id.*

making the usual tradeoffs between profit and spending that every manufacturer makes. To decrease overhead and increase profits breeders generally spend very little money on care for the dogs or even providing a safe, hygienic environment.³⁹ The commercial production and retail sale of dogs is big business. An estimated 10,000 commercial dog breeding facilities operate in the United States.⁴⁰ These facilities churn out approximately 2.4 million puppies sold annually.⁴¹ Breeders could choose to keep dogs in larger cages that provide significantly more space per puppy, or provide regular and thorough veterinary care and exercise, all of which would likely reduce the occurrence and spread of infectious diseases. Instead, large-scale commercial breeders overuse antibiotics to try to slow the spread of diseases that flourish in the cramped, unsanitary, and unnatural conditions that they chose to create. Commercial breeders thus externalize their costs, and the public is paying the true cost through exposure to increasingly antibiotic-resistant bacteria. CDC categorizes drug-resistant *Campylobacter* as a “serious threat” to public health that requires “prompt and sustained action.”⁴² The people sickened by infected puppies pay an additional price personally when their treatment options are narrowed because the bacteria they are infected with is susceptible to so few antibiotics.⁴³

Commercially bred dogs also should be considered products under the CPSA because the statute is a “[r]emedial safety” law that “should be broadly construed to effectuate its purpose.”⁴⁴ Because dogs produced in commercial breeding facilities and marketed in pet stores and online are consumer products, the Commission can and should regulate their sale with respect to consumer safety.

³⁹ See, e.g., email dated Aug. 23, 2017, from Susan Lance, CDC, to Dr. Robert V. Tauxe, CDC (“There are a couple shelter medicine programs at vet schools (UC Davis and Florida) that are developing infectious disease guidelines that could be adapted to puppy mill situations but in my experience, the mass producers of puppies expect some ‘loss’ but they make so much money they’re willing to live with it, and since there is generally no emotional attachment to the animal, the money is all that counts. <http://www.thepupppymillproject.org/relevant-laws/>”), attached as Ex. 15.

⁴⁰ *Supra* note 20, Ex. 10.

⁴¹ *Id.*

⁴² Centers for Disease Control and Prevention, ANTIBIOTIC RESISTANCE THREATS IN THE UNITED STATES, 2019 at 4 (Dec. 2019), <https://www.cdc.gov/drugresistance/pdf/threats-report/2019-ar-threats-report-508.pdf>.

⁴³ *Id.*

⁴⁴ *U.S. v. One Hazardous Prod. Consisting of a Refuse Bin*, 487 F. Supp. 581, 588 (D.N.J. 1980).

IV. FACTUAL BACKGROUND: THE PRACTICES OF THE COMMERCIAL DOG BREEDING INDUSTRY THAT CONTRIBUTED TO CREATING THE ANTIBIOTIC-RESISTANT STRAIN OF CAMPYLOBACTER TRACED TO PETLAND STORES

A. *The Commercial Dog Breeding Industry*

As noted above, the puppies produced by the commercial dog breeding industry for sale in pet stores and online are treated like products from start to finish, with little regard to their needs as sentient creatures. The puppies suffer in the unsanitary facilities where they are born (and where they are separated from their mother when only weeks old), during transport (by truck, often for days without meaningful rest or exercise), and at pet stores where they are often denied basic veterinary care.⁴⁵

The regulations implementing the Animal Welfare Act (AWA) – the federal law that provides for licensing and oversight by the United States Department of Agriculture of commercial breeding facilities – establish minimal, essentially survival-level standards for the care of dogs in commercial facilities. For example, under the AWA regulations breeding dogs and puppies may legally be confined in small wire-bottom cages with no solid resting space, which are stacked in rows one above the other, a practice that allows the feces and urine of the dogs in one row to fall onto the dogs in the cages in the row below them.⁴⁶ The use of wire flooring in the dogs' cages is highly detrimental to the dogs' physical and emotional health. The dogs' paws often slip through the wire flooring, sometimes trapping the dog, and puppies rarely get to feel a solid surface beneath their paws.⁴⁷ The regulations authorize cages that are far too small; essentially, a dog may be kept in a small square wire box with sides a mere six inches longer than her body length, and a height only

⁴⁵ *Supra* note 22, Ex. 12.

⁴⁶ Humane Society of the United States, FACTS ABOUT CAGE STACKING (2010), <https://www.humanesociety.org/sites/default/files/docs/cage-stacking-factsheet.pdf>, attached as Ex. 16. Some states have passed laws prohibiting wire-bottomed cages and cage stacking, given the inherent cruelty, but the overcrowding and mass production of dogs still leads to inhumane conditions for the dogs. *See* Mo. Code Regs. Tit. 2 § 30-9.030 (wire strand flooring prohibited); 3 Pa. Stat. Ann. § 459-207 (i)(3)(i) (cage stacking and metal strand flooring prohibited). Moreover, due to the infrequency of inspections it is likely that many breeders and distributors continue to use wire-bottomed cages and stack them. *See* Missouri Department of Agriculture Report of Inspection on 1/31/18 for Pleasant Valley Puppies (ten puppies kept on elevated wire strand flooring, although such flooring had been prohibited as of January 1, 2016), attached as Ex. 17.

⁴⁷ *Supra* note 46, Ex. 16.

six inches higher than her body height.⁴⁸ Further, the regulations do not require that dogs in commercial breeding facilities be let outside of their cages for exercise for any specific period of time or at regular intervals.⁴⁹ These inhumane conditions are legal under the AWA regulations and common practice throughout the industry.

Although the standards are minimal, violations of the federal or similar state regulations occur frequently. Dogs in commercial breeding facilities are often denied even essential veterinary care.⁵⁰ Basic grooming needs are neglected to the point where the fur can become matted and cause painful skin irritations and sometimes make it difficult for the dogs to defecate.⁵¹ Often dogs are kept outside in inclement weather without adequate shelter, in or near mud and standing water, which subjects them to disease hazards and risks of physical injury.⁵² Food and water bowls are

⁴⁸ 9 C.F.R. § 3.6(c)(1)(i), (iii). This space is barely sufficient for most dogs to be able to comfortably turn around and lie down in a clean spot, or move around if they so desire.

⁴⁹ See Humane Society of the United States, PUPPY MILLS AND THE ANIMAL WELFARE ACT (2018), <https://www.humanesociety.org/sites/default/files/docs/puppy-mills-awa-booklet-lores.pdf>, attached as Ex. 18.

⁵⁰ See e.g., USDA Inspection Report dated June 3, 2019 for Stevie Hoover in Dundee, New York (inspector found dead puppy that had gone unnoticed by the licensee), attached as Ex. 19; Nebraska Department of Agriculture Inspection Report dated May 23, 2018 for Rocking T Kennel (noting two female dogs with open wounds and fresh blood on them), attached as Ex. 20; Missouri Department of Agriculture Inspection Report dated Dec. 27, 2018 for Debra Ritter (poodle with missing fur, squinting her right eye, who had “yellow mucoid ocular discharge”), attached as Ex. 21; USDA Inspection Report dated June 4, 2019 for John David Shirk in Penn Yan, New York (“The licensee was tube feeding the puppy for an extended period of time but stopped several days ago. The puppy appears to be declining and its condition should be communicated to the attending veterinarian in a timely manner.”), attached as Ex. 22.

⁵¹ See USDA Inspection Report dated October 15, 2018 for Stevie Hoover in Dundee, New York (dog heavily matted over 90% of his body, with “heavy matted fur in the anal region ... trapping fecal matter making it difficult for the dog to continue to defecate”), attached as Ex. 23.

⁵² See Commonwealth of Pennsylvania Kennel Inspection report dated December 3, 2018 for Stone Lion Kennel at 3 (“[D]ogs housed in areas of the kennel grounds that had puddles of standing water and was, otherwise, a mud pit. The dogs viewed were covered in mud, muck and [exposed to] potential disease hazard”), attached as Ex. 24.

infrequently cleaned⁵³ and dogs often are forced to sit in their own waste.⁵⁴

Dogs in commercial breeding facilities are also subject to cruel breeding practices. To maximize profits, female breeding dogs in puppy mills are routinely kept in small cages⁵⁵ for their entire lives and bred at every opportunity, without sufficient (or any) recovery time between litters.⁵⁶ Once a breeding dog is no longer “productive,” she may be auctioned off to another breeder or killed, often through inhumane methods.⁵⁷ Thus, breeding dogs in puppy mills are essentially treated as machines to make puppies.

Irresponsible breeding practices, such as failing to screen parent dogs for ailments or hereditary conditions common to their breed, also contribute to commercially bred puppies having debilitating and life threatening conditions, including epilepsy, heart disease, kidney disease, musculoskeletal disorders, endocrine disorders, blood disorders, deafness, eye problems, and respiratory disorders.⁵⁸ And, due to the unsanitary and overcrowded conditions, many transmissible diseases and infections in addition to *Campylobacter* are prevalent in puppy mill puppies, including giardia, parvovirus,

⁵³ See USDA Inspection Report dated April 6, 2019 for Cory Mincey, Puppy Love Kennel (water was “opaque and mud-like”; another receptacle had a small amount of water with worms in it; dogs using this water were thin and had loose stools) attached as Ex. 25; USDA Inspection Report dated July 12, 2018 for Riverside, Iowa kennel (name withheld by USDA, believed to be Loren Yoder) (“there was a thick build-up of dark black to dark brown dirt, grime, hair, etc. on the rim of many of the water buckets. Plastic puppy water receptacles had a layer of grime in the bowl and a layer of orange-ish brown film visible on the inside of the tank.”), attached as Ex. 26.

⁵⁴ See Missouri Department of Agriculture Inspection Report for inspection on Feb. 7, 2019 for Patchwork Kennel (“The pens still exhibited an excessive accumulation of feces, urine, and hair on the floor, and some dogs could not avoid contact with their own waste.”), attached as Ex. 27.

⁵⁵ *Supra* note 49, Ex.18.

⁵⁶ E.g., *Colorado Animal Rescue Saves Discarded Dogs, Finds Homes for Them*, Fox 31 Denver (Nov. 21, 2012), <https://kdvr.com/news/colorado-animal-rescue-saves-discarded-dogs-from-horrible-lives-or-worse/> (organization rescued over 7,000 dogs from puppy mills in five years, with many adult dogs discarded because they “may not be able to produce puppies any longer, they may be old or sick, or the breeder might be going out of business,” and puppies discarded because “they are too old to sell to pet stores”), attached as Ex. 28; see also Alex Mayyasi, *How We Treat Pets in America*, Priceonomics Blog (Feb. 28, 2013), <https://priceonomics.com/post/44230885813/how-we-treat-pets-in-america> (“Oftentimes, after the breeder dog has reached the age of 4 years, it is no longer needed and killed.”), attached as Ex. 29.

⁵⁷ *Supra* note 56, Ex. 28.

⁵⁸ *Supra* note 18, Ex. 9.

distemper, upper respiratory infections, kennel cough, pneumonia, heartworm, mange, intestinal parasites, and chronic diarrhea.⁵⁹ Dogs and puppies in these environments often also suffer from treatable or altogether preventable conditions such as dental problems.⁶⁰

After middlemen distributors (also known as brokers) purchase puppies from a breeder, the dogs generally endure cramped, unsanitary conditions while they are being trucked, often for days, to other distributors or to pet stores.⁶¹ And because distributors pack many dogs from multiple breeders into the delivery trucks, it is easy for disease to spread among the dogs.⁶² During transport puppies often go for days without waste being removed from their cages and without sufficient water or food.⁶³

Given the conditions and neglect these dogs endure from birth, it is not surprising that many puppies are sick by the time they arrive at pet stores. HSUS routinely receives complaints from consumers who were assured the dog in the pet store had a clean bill of health, only to be faced with high veterinary bills and the heartache that comes from caring for a sick or dying dog. A veterinarian who worked with the Petland in Kennesaw, Georgia for almost ten years wrote in an affidavit: “There was no way for me to save all the animals from death and prolonged illness because they

⁵⁹ *Supra* note 18, Ex. 9.

⁶⁰ *Supra* note 18, Ex. 9.

⁶¹ *See, e.g.*, “Dozens of puppies heading to local Petland found in filthy conditions”, <https://www.winknews.com/2018/02/23/dozens-puppies-heading-local-petland-found-filthy-conditions/>, attached as Exhibit 30. In February 2018 a truck full of dogs driven by Puppy Travelers, a Missouri-based transport company, was intercepted at the back of a Petland store in Lee County, Florida, and the dogs seized by animal control officers. According to news reports, puppies were kept in crowded cages full of feces and urine without any water. The company admitted to investigators that feces are not cleaned out of the cages until after return to Missouri.

⁶² *See also*, Tauxe email, *supra* note 5, Ex. 4 (“It seems there are entire companies dedicated to collecting and transporting the dogs from the dog breeders, to the stores. They use specialized transport trucks, with racks of plastic cages, and gather the puppies in waypoints to spend the night in communal spaces....It does seem to be standard practice to treat/pretreat the puppies with a number of antibiotics to prevent the spread of various pathogens. It seems to be likely that each puppy has received more than one antibiotic by the time they reach the store.”)

⁶³ *Supra* note 61, Ex. 30.

were already incredibly sick when they arrived at the store.”⁶⁴

Once in pet stores, dogs are often deprived of adequate veterinary care, and some die in the store. During an HSUS undercover investigation at the Petland in Kennesaw, Georgia, a store employee told the investigator that she sometimes came into work and found that a puppy had passed away, and that this had happened about three times in the four months she had been working there.⁶⁵ After hearing about other puppies who had died in the store, the investigator became suspicious about a black plastic bag she had seen in the freezer, and looked in it one day to find a dead puppy inside.⁶⁶

Rather than provide dogs with adequate veterinary care, pet stores often instruct employees with no veterinary training to “treat” and medicate the dogs. HSUS undercover investigators observed puppies routinely being given antibiotics without first receiving a specific diagnosis or being seen by a veterinarian, and sometimes to temporarily mask symptoms of illness, such as a cough or diarrhea, so the puppies can be placed on the sales floor and sold as healthy.⁶⁷ For instance, HSUS’s undercover investigation of a Petland store in Frisco, Texas showed that kennel staff with no veterinary training were routinely force-feeding sick puppies and administering medications at the direction of management, instead of having the dogs seen by a licensed veterinarian.⁶⁸ At the Novi, Michigan Petland, HSUS undercover investigators also observed sick animals being given medications at the discretion of store employees, without any veterinary care or clinical diagnoses.⁶⁹ A store employee was captured on camera discussing how the puppies are routinely given

⁶⁴ Humane Society of the United States, PETLAND, INC.: SICK PUPPIES, HEARTBROKEN FAMILIES 3–4 (Dec. 2018), <https://blog.humanesociety.org/wp-content/uploads/2018/12/HSUS-Petland-Report-2018-FINAL-IN-NEW-TEMPLATE.pdf>, attached as Ex. 31.

⁶⁵ *Id.* at 1-2.

⁶⁶ *Id.* at 2.

⁶⁷ See Humane Society of the United States, EXPANDED UNDERCOVER INVESTIGATION REVEALS MORE SICK AND DEAD PUPPIES AT PETLAND STORES 4 (May 2019), https://www.humanesociety.org/sites/default/files/docs/PetlandReport_FINAL-May2019.pdf, attached as Ex. 32.

⁶⁸ *Supra* note 22, Ex. 12.

⁶⁹ *Supra* note 67, Ex. 32.

antibiotics as a preventative measure.⁷⁰

During another HSUS investigation at a Petland store in Florence, Kentucky, an undercover buyer asked the store manager about the obvious diarrhea a puppy was having in the store.⁷¹ The manager stated to the puppy buyer: “this puppy has had diarrhea [but] that’s not *Campylobacter*,” and added that the buyer would have “.002% chance of getting campylobacter from a puppy from here.”⁷² The manager also claimed the puppy had had a fecal test with normal results, but did not provide any documentation of the test, and after purchase an independent veterinarian diagnosed the puppy with *Campylobacter*.⁷³ The store manager later told the undercover investigator that the store does not test most of the sick puppies for *Campylobacter* because most of them would test positive.⁷⁴

In sum, the commercial dog breeding industry engages in practices that facilitate the spread of antibiotic-resistant infections to consumers. While pet stores, breeders and transporters could and must reform their practices to avoid creating this situation in the first place. The CPSC is uniquely positioned and authorized to protect consumers in the meantime, however. The CPSC can and should require that warnings be provided to consumers so that they may be adequately informed of the risks associated with interacting with or purchasing a commercially bred puppy. Given the continued prevalence of this bacteria in pet store puppies and the potential harm to puppy purchasers (despite multiple investigations by governmental agencies and non-governmental organizations like HSUS), we urge the CPSC to do so. Indeed, requiring pet sellers to inform the public about these risks will likely have the effect not only of warning consumers of the risks, but also of encouraging sellers, breeders and transporters to clean up their act to reduce those risks.

⁷⁰ Mary Beth Sweetland, *Petland Antibiotics*, Vimeo (Mar. 25, 2020, 2:35 PM), <https://vimeo.com/400695494> (video and audio recording taken at Petland in Novi, Michigan on March 26, 2019).

⁷¹ *Supra* note 21, Ex. 11.

⁷² *Id.* at 1-2.

⁷³ *Id.* at 2.

⁷⁴ *Id.*

B. Campylobacter Outbreaks and CDC's Traceback to Petland Puppies

Campylobacter infection, or campylobacteriosis, is caused by the presence of *Campylobacter* bacteria.⁷⁵ People with *Campylobacter* infection usually have diarrhea (often severe), fever, and stomach cramps.⁷⁶ Nausea and vomiting may accompany the diarrhea.⁷⁷ Some people experience complications, such as temporary paralysis and arthritis.⁷⁸ In people with compromised immune systems, such as those with a blood disorder or who are receiving chemotherapy, *Campylobacter* may spread to the bloodstream and cause a life-threatening infection.⁷⁹ *Campylobacter* infection can result in long-term consequences, such as arthritis, IBS, and GBS, an autoimmune disorder causing nerve damage, muscle weakness, and sometimes permanent paralysis.⁸⁰ Estimates indicate that as many as 40% of GBS cases in the United States might be triggered by *Campylobacter* infection.⁸¹

CDC became aware of the first *Campylobacter* outbreak in August 2017, when the Florida Department of Health notified CDC of six *Campylobacter jejuni* infections linked to Petland.⁸² CDC examined whole-genome sequencing data and identified six isolates from Petland puppies in Florida that were highly related to an isolate from a Petland customer in Ohio.⁸³ This information prompted a multistate investigation by local and state health and agriculture departments and CDC

⁷⁵ Centers for Disease Control and Prevention, *Campylobacter (Campylobacteriosis) Questions and Answers* (Dec. 23, 2019) <https://www.cdc.gov/campylobacter/faq.html>, attached as Ex. 33.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Supra* 3, Ex. 3.

⁸² Martha P. Montgomery, MD, et al., *Multidrug-Resistant Campylobacter jejuni Outbreak Linked to Puppy Exposure – United States, 2016-2018*, 67 Morbidity and Mortality Weekly Report 1032, 1032 <https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm> (dated September 21, 2018, last reviewed September 23, 2019), attached as Ex. 34. This article does not name Petland, but only refers to a “national pet store chain based in Ohio.” Subsequent CDC reports and correspondence cited throughout the Petition state that the chain is Petland, which is based in Ohio.

⁸³ *Id.*

to identify the outbreak source and prevent additional illness.⁸⁴ Health officials from six states visited pet stores and collected puppy fecal samples, antibiotic records, and traceback information.⁸⁵

CDC discovered that the pet store strain of bacteria was “exceedingly resistant” to antibiotics, which puzzled CDC officials, until they learned about the large commercial dog breeding industry and how it operates. As Dr. Tauxe of CDC explained:

The outbreak strain of *Campylobacter jejuni* is exceedingly resistant-both by genetic resistance prediction and by traditional MIC testing. Resistant to azithro-, erythro-, and telithromycin, ciprofloxacin, tetracycline, clindamycin and nalidixic acid. Some also R tongentamicin and florfenicol. We think this leaves only carbapenems as possible treatment (not approved for that purpose). How did they get this resistant, we wonder? This particular chain of stores is particularly focused on dogs, and gets them from many breeders through a complex distribution network. It seems there are entire companies dedicated to collecting and transporting the dogs from the dog breeders, to the stores. They use specialized transport trucks....The scale of this business was surprising to us....It does seem to be standard practice to treat/pretreat the puppies with a number of antibiotics to prevent the spread of various pathogens. It seems to be likely that each puppy has received more than one antibiotic by the time they reach the store.⁸⁶

CDC investigators thus learned that the entire commercial breeding distribution chain uses antibiotics prophylactically, to slow the spread of disease and illnesses among the dozens or hundreds of dogs living in these inhumane commercial breeding facilities: “Multiple dog breeds, multiple dog transport companies and multiple original breeders. Entire distribution chain seems to use antibiotics of a variety of types prophylactically, little stewardship recognized.”⁸⁷ “We are collecting data on antibiotic exposure. Prophylaxis appears to be nearly universal with a variety of agents against agents of diarrhea and pneumonia. This is during transport and distribution, and at stores. We don’t know what happens at the breeders. There seems to be no concept of stewardship.”⁸⁸

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Supra* note 5, Ex. 4.

⁸⁷ Email dated Dec. 13, 2017 from Dr. Robert V. Tauxe, CDC, to CDC colleagues, attached as Ex. 35.

⁸⁸ *Supra* note 11, Ex. 6.

After this discovery, CDC reached out to Petland and recommended measures to reduce risk, such as testing dogs and ceasing the injudicious use of antibiotics.⁸⁹ CDC also met with Petland officials about their findings and reducing risk.⁹⁰ During these meetings with CDC, Petland agreed to stop selling symptomatic dogs and all dogs with diarrhea.⁹¹ The fact that Petland agreed to *stop selling sick dogs* as a concession shows how reluctant Petland is to change its ways, and underscores the need for the proposed rule. However, even in the face of these outbreaks that were traced back to their puppies, and personal injury lawsuits brought by people who contracted *Campylobacter* from Petland puppies, Petland has not even met its commitment to not sell dogs with diarrhea. In other words, the one “concession” Petland made to not sell sick dogs – which should already be a given and which reveals that Petland routinely, and knowingly, *does* sell sick dogs – has not even been met. As just one example, during a 2019 HSUS investigation at Petland in Florence, Kentucky, an undercover buyer purchased a dog with obvious diarrhea.⁹² After the purchase an independent veterinarian tested the dog and confirmed the dog had *Campylobacter*.⁹³ The investigator working at the store also contracted *Campylobacter*, as did another investigator working at Petland’s Frisco, Texas store.⁹⁴

By the time CDC concluded its investigation into the first outbreak, it had identified 118 people in 18 states who had been infected, nearly all of whom had been in contact with pet store puppies.⁹⁵ This included 29 employees of pet stores where puppies were sold.⁹⁶ At least 26 of those infected were hospitalized.⁹⁷ CDC’s *Morbidity and Mortality Weekly Report (MMWR)* reported that

⁸⁹ Memorandum dated Oct. 18, 2017, from Ian Williams, CDC, to Elizabeth Kunzelman, Director of Public Affairs, Petland, Inc., attached as Ex. 36.

⁹⁰ See CDC notes entitled “Campylobacter Outbreak associated with puppies from Petland – 10/11/17” at 2, attached as Ex. 37.

⁹¹ *Id.*

⁹² *Supra* note 21, Ex. 11.

⁹³ *Supra* note 21, Ex. 11 at 2.

⁹⁴ *Supra* note 21, Ex. 11 at 4.

⁹⁵ *Supra* note 82, Ex. 34.

⁹⁶ *Id.*

⁹⁷ *Id.* Several people were hospitalized, some more than once, and some people who were infected suffered for months. One man with an existing chronic disease became ill within a week of

“[o]utbreak strains were resistant to all antibiotics commonly used to treat *Campylobacter* infections.”⁹⁸ Reviews of pet store records revealed that, among 149 investigated puppies, 142 (95%) received one or more courses of antibiotics.⁹⁹

CDC’s investigation of the 2019 outbreak is still ongoing, as the agency believes pet store dogs are still infecting people with *Campylobacter*.¹⁰⁰ As of December 17, 2019, CDC had identified 30 people infected in 13 states.¹⁰¹ Of these, four people were hospitalized.¹⁰² Twelve of these cases were linked to Petland, and include five Petland employees.¹⁰³ “Laboratory evidence indicates that bacteria from ill people in this outbreak are closely related genetically to bacteria from ill people in the 2016–2018 outbreak of multidrug-resistant *Campylobacter* infections linked to pet store puppies.”¹⁰⁴ The 2019 outbreak strain of *Campylobacter* bacteria also appears resistant to all common antibiotics.¹⁰⁵

While the CPSC is not an agency dedicated to fighting infectious disease, it *is* an agency dedicated to protecting consumers and informing them of risks associated with consumer products. There is clear scientific evidence that pet store puppies are transmitting *Campylobacter* to people. The Commission can and should take note of this evidence and exercise its authority to require warnings to protect unsuspecting consumers.

purchasing a puppy at a pet store. He experienced diarrhea and excruciating lower back pain and was hospitalized with failing kidneys. Only one type of antibiotic was able to treat his resistant *Campylobacter* infection. Due to complications from this infection and his chronic disease, he needed surgery to remove a dead section of stomach. U.S. Department of Health and Human Services: Centers for Disease Control and Prevention, ANTIBIOTIC RESISTANCE THREATS IN THE UNITED STATES, 2019, at 80 (Dec. 2019), <https://www.cdc.gov/drugresistance/pdf/threats-report/2019-ar-threats-report-508.pdf>.

⁹⁸ *Supra* note 82, Ex.34.

⁹⁹ *Supra* note 82, Ex. 34 at 1032.

¹⁰⁰ *Supra* note 2, Ex. 1.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

V. THE COMMISSION HAS THE AUTHORITY TO TAKE THE REQUESTED ACTION TO PROTECT CONSUMER SAFETY.

Under the CPSA the Commission can issue a safety standard such as the one proposed, if it finds (i) that the rule is reasonably necessary to eliminate or reduce an unreasonable risk of injury; (ii) that the promulgation of the rule is in the public interest; (iii) that the expected benefits from the rule bear a reasonable relationship to its costs; and (iv) that the rule imposes the least burdensome requirement to reduce the risk of injury.¹⁰⁶

A determination of unreasonable risk involves balancing the likelihood and severity of injury with any harm that a regulation could impose on manufacturers and consumers.¹⁰⁷ Thus, under the unreasonable risk balancing test, even a very remote possibility that a product would inflict a severe injury could pose an “unreasonable risk of injury” and if the proposed safety standard is likely to reduce the risk, without unduly increasing the product's price, or decreasing the product's availability or its usefulness, the standard has been met.¹⁰⁸

The proposed safety standard is reasonably necessary because the potential injury, becoming ill from the *Campylobacter* infection, is severe. In addition, the fact that a novel strain of bacteria, one that is exceedingly resistant to antibiotics, has been identified, means that extra precautions are appropriate to protect public health. Although there is little historical data about the relevant risk, which the Commission often considers when considering whether to require warnings for a product, this is only because this is an emerging new risk.¹⁰⁹ Meanwhile, CDC's view on this crisis, as recently stated in a letter to the HSUS, is that *Campylobacter* is still being transmitted to people through pet store puppies, and the risk to employees and customers exposed to puppies sold in pet stores is continuing.¹¹⁰

Despite significant evidence that irresponsible use of antibiotics is causing a multidrug-resistant

¹⁰⁶ 15 U.S.C. § 2058(f)(3). *See also* 16 C.F.R. § 1051.9 (specifying the major factors the Commission considers in granting or denying rulemaking petitions).

¹⁰⁷ *See Southland Mower Co. v. Consumer Prod. Safety Comm'n*, 619 F. 2d 499, 508-09 (5th Cir. 1980).

¹⁰⁸ *Id.*

¹⁰⁹ 16 C.F.R. § 1051.5(b)(3).

¹¹⁰ *Supra* note 16, Ex. 8.

strain of *Campylobacter* to sicken people and dogs, the commercial breeding and retail industry currently has no incentive to curb its use of antibiotics and appears totally disinclined to do so.¹¹¹ Therefore it is not surprising that CDC considers the risk of transmission from pet store puppies to be ongoing.¹¹² Given the ongoing risk to consumers from commercially bred puppies, it is imperative that the CPSC use its authority to warn the public about the possibility of becoming infected with a multidrug-resistant strain of *Campylobacter* from puppies at these stores as well as from puppies being sold directly to the public online. Exercising the agency's authority also might encourage the industry to reform its practices that provide such fertile breeding grounds for the infectious diseases.

The proposed rule to require consumer warnings is an inexpensive method for alerting consumers to the risk of this potentially severe infectious disease. The cost to the industry of providing warnings is extremely low if not *de minimis*. Commercial dog breeders could readily include a written warning in the file containing other paperwork to be conveyed with the purchase of the dog, such as health records, certificates of veterinary inspection, registration papers, or receipts. Breeders are already including paperwork with the puppies they sell, and that paperwork is transferred with a puppy at each point of transfer – e.g., from breeder to broker, to transport company, to store. And when breeders sell directly to the consumer, they include this paperwork with the sales. This would simply be one more piece of paperwork kept in that file.

As for pet stores selling puppies, they would be required to post signs warning of the risk of contracting *Campylobacter* from handling the dogs. Thus, there would be warnings in the puppies' paperwork file. Similarly, breeders selling directly to consumers via a website and other online sellers could readily place a warning on their website. This distribution and posting of warnings to reduce the risk of harm could not possibly be costly to the industry, especially when compared to other industry changes that have been mandated to reduce risk. For example, in *D.D. Bean & Sons Co. v. Consumer Product Safety Commission*, 574 F.2d 643, 649-50 (1st Cir. 1978), the court found that given the relatively small cost of less than one million dollars to the matchbook industry, a rule requiring a design change to include a closed cover was “reasonably necessary” to reduce the hazard

¹¹¹ *Supra* note 21, Ex. 11.

from accidental matchbook ignitions.

The proposed rule is also the least burdensome way to reduce the risk of *Campylobacter* transmission. Petitioners are not requesting that the Commission issue rules to change how the industry produces commercially bred dogs, or even to require that commercially bred dogs be tested for *Campylobacter* before sale.¹¹³

Currently there is no voluntary safety standard to reduce the risk of transmission for the Commission to consider. Under the Act, the Commission would be obliged to consider as part of the rulemaking process.¹¹⁴ Indeed, the actors in the commercial breeding and pet retail industry—breeders, distributors, transporters and pet stores—are acting only in their own self-interest, with virtually no oversight regarding the risk of *Campylobacter* infection and the injudicious use of antibiotics. A [few months] into the investigation of the first outbreak, Dr. Tauxe wrote to a colleague, “Seems like we have stumbled on another Wild West.”¹¹⁵ Finally, the cost for implementing the rule requiring warnings is *de minimis*, and even more costly measures should be deemed acceptable given the evidence that pet stores are *deliberately hiding the risk* of *Campylobacter* infection from consumers.¹¹⁶

Another factor weighing in favor of the rulemaking is the likelihood that the risk of contracting *Campylobacter* from pet store dogs will only increase in the future, since there is no incentive for the commercial breeding and pet retail industry to scrap its highly profitable blueprint, where unhygienic and inhumane conditions and insufficient veterinary care can be covered up partly by

¹¹³ Boone County, Kentucky enacted an ordinance in November 2020 to require that pet store puppies be tested for parasites including *Campylobacter* prior to sale, and to require that pet stores post signs alerting consumers if there has been an outbreak at the store or if puppies test positive. The ordinance has not yet been codified, but attached as Ex. 38 is a draft believed to reflect the substance of the version enacted.

¹¹⁴ 15 U.S.C. 2058(f)(3)(D).

¹¹⁵ Email dated August 23, 2017 from Dr. Robert V. Tauxe, CDC, to Susan Lance, CDC, attached as Ex. 15.

¹¹⁶ *Supra* note 21, Ex. 11. Although Petland leadership had been informed of known human *Campylobacter* cases linked to the Florence, Kentucky store, symptomatic puppies were not tested or treated, and undercover buyer was expressly told puppy did not have *Campylobacter*. After purchase the puppy tested positive for *Campylobacter* (as well as giardia, another serious zoonotic disease).

irresponsible use of antibiotics.¹¹⁷ As Dr. Tauxe wrote to a colleague in January 2018, “The puppy story is not over - it is difficult to control with a whole system that lacks hygiene at many points and seems to use antibiotics instead.”¹¹⁸ Finally, the Commission also has the benefit of CDC’s thorough investigations and considered judgment, and thus the rulemaking should not require a significant expenditure of Commission resources available for rulemaking actions for all consumer products.

VI. SUBSTANCE OF THE PROPOSED RULE

The warnings should be printed to be conspicuous, with text in a large font, using the signal word “Warning” or a like term, in red if practicable, and the warning sheet should accompany the other documents (such as immunization records or certificates of veterinary inspection) that are transferred with the dog at the time of sale. Breeders who sell dogs to consumers online and who must be licensed under the AWA should be included in the regulation.¹¹⁹ Online breeders who ship dogs to consumers should include the warning sheet in the file of documents, such as veterinary records, that accompany the dogs in transit. If an online seller delivers a dog to a consumer in person, the warning sheet can be included with the other documents. The Commission also should require that pet stores conspicuously post the warning language near the cages where dogs are displayed, to put consumers on notice of the risk before they handle the dogs.¹²⁰ Online sellers – and online marketplaces that host advertisements from various breeders – should be required to include a notice like the one described below prominently on their websites.

¹¹⁷ 16 C.F.R. § 1009.8(c)(3). (“Certain products, although not presently associated with large numbers of frequent or severe injuries, deserve priority attention if there is reason to believe that the products will in the future be associated with many such injuries.”).

¹¹⁸ *Supra* note 9, Ex. 5.

¹¹⁹ Under AWA regulations, breeders with five or more breeding females must be licensed, including those who sell dogs exclusively or partly online. 9 C.F.R. § 2.1(a)(3).

¹²⁰ *Supra* note 82, Ex. 34. As CDC investigators found, *Campylobacter* can be transmitted at any point during distribution because puppies from different breeders are commingled at distributors’ facilities, during transport, and in pet stores.

A proper warning shall contain, at a minimum, the following or equivalent text:

WARNING!

Pet store puppies have been linked to a multi-drug resistant strain of *Campylobacter jejuni*, **which can be passed from dogs to people, and which has caused serious illness in people**. Immediately take your new puppy to a qualified veterinarian for a fecal test, as this store does not routinely test dogs for this bacteria. Wash hands after contact with dogs. See reverse for symptoms of *Campylobacter* infection.

[Reverse side or second page]

SYMPTOMS OF CAMPYLOBACTER INFECTION

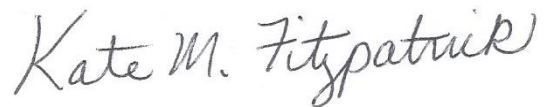
Symptoms include diarrhea, fever, and abdominal cramps, sometimes accompanied by nausea and vomiting. These symptoms usually start within 2 to 5 days after exposure and last about a week. In people with weakened immune systems, such as people receiving chemotherapy or people with AIDS, *Campylobacter* occasionally spreads to the bloodstream and can become life-threatening. Seek medical assistance immediately if you suspect infection.

VII. REQUESTS TO INITIATE RULEMAKING AND FOR A HEARING

CPSC should take the proposed action because the Commission's mandate is to protect consumers from the risks presented by products offered in the marketplace, and because it is the agency that has the authority and expertise to issue rules to protect consumers and their families from contracting *Campylobacter* from puppies sold in pet stores. Petitioners request that the Commission initiate a rulemaking requiring that a written warning accompany a commercially bred dog offered for sale into commerce and warning signage be posted in pet stores near the cages of the dogs offered for sale, or, in the case of internet sellers, on the websites where dogs are advertised or sold.

Petitioners further request a hearing before the Commission to consider the issues raised in this petition.

Respectfully submitted this 17th day of February 2021.

A handwritten signature in cursive script that reads "Kate M. Fitzpatrick".

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THE HUMANE SOCIETY OF THE UNITED STATES
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Exhibit 1



Outbreak of Multidrug-resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies



Investigation Notice

Published on December 17, 2019 at 5:00 PM ET

CDC and public health officials in several states are investigating a multistate outbreak of multidrug-resistant *Campylobacter jejuni* infections linked to puppies purchased from pet stores.

Latest Outbreak Information



- 30 people infected with the outbreak strain of *Campylobacter jejuni*, which causes [diarrheal illness](#), have been reported from 13 states.
 - 4 hospitalizations have been reported. No deaths have been reported.
- Epidemiologic and laboratory evidence indicate that contact with puppies, especially those at pet stores, is the likely source of this outbreak.
- Among 24 people interviewed,
 - 21 (88%) of the 24 people reported contact with a puppy.
 - 15 (71%) of these 21 people reported contact with a puppy from a pet store.
 - 12 (80%) of these 15 people were linked to Petland, a national pet store chain.
 - 5 (42%) of these 12 people were Petland employees.
- Laboratory evidence indicates that bacteria from ill people in this outbreak are closely related genetically to bacteria from ill people in the [2016–2018 outbreak of multidrug-resistant *Campylobacter* infections linked to pet store puppies](#).
- *Campylobacter* bacteria isolated from clinical samples from ill people in this outbreak are resistant to commonly recommended, first-line antibiotics. For more information, see CDC’s [Advice to Clinicians](#).
- The investigation is ongoing. CDC will provide updates when more information is available.

At A Glance

- [Reported Cases](#): 30
- [States](#): 13
- Hospitalizations: 4
- Deaths: 0



Advice to Pet Owners and Pet Store Workers



Advice to Pet Owners

Puppies and dogs can carry *Campylobacter* germs that can make people sick, even while appearing healthy and clean. People who own or come in contact with puppies or dogs should take steps to stay healthy around their pet.

Always [wash your hands](#) thoroughly with soap and water after touching your puppy or dog, after handling their food, and after cleaning up after them.

- Adults should supervise handwashing for young children.
- If soap and water are not readily available, use [hand sanitizer](#) until you are able to wash your hands with soap and water.
- Wash your hands after cleaning up urine (pee), feces (poop), or vomit from your puppy or dog. Clean up any pee, poop, or vomit inside the house immediately. Then disinfect the area using a [water and bleach solution](#).
- Don't let dogs lick around your mouth and face.
- Don't let dogs lick your open wound or areas with broken skin.
- Take your dog to the veterinarian regularly to keep it healthy and to help prevent the spread of disease.

Within a few days after getting a new puppy or dog, take it to a veterinarian for a health check-up.

- When choosing a pet dog, pick a puppy or dog that is bright, alert, and playful.
- Signs of illness include appearing lethargic (sluggish or tired), not eating, having diarrhea, and breathing abnormally. However, even a dog that appears healthy can spread germs to people and other animals.
- If your dog becomes sick soon after purchase or adoption, take your dog to a veterinarian promptly and inform the pet store, breeder, or rescue organization about the pet's illness. Thoroughly clean the area occupied by your pet by using a [water and bleach solution](#).

Advice to Pet Store Workers

Puppies and dogs can carry *Campylobacter* germs that can make people sick, even while appearing healthy and clean. People who handle puppies or dogs should take steps to stay healthy around these animals.

Ask store management for training about handwashing, clean-up procedures, and other illness prevention measures.

Wash your hands with soap and water after handling puppies or dogs.

- [Wash your hands](#) thoroughly with soap and water every time you handle dogs or anything in the area where they live and roam, including their food, treats, and food and water containers. Even a dog that appears healthy can spread germs to people and other animals.
- Wash your hands immediately after cleaning up dog pee, poop, or vomit.
- Dry hands using a clean paper towel or air-dry them. Do not dry hands on clothing.

Eat and store your food safely.

- Always eat and drink in designated areas away from places where animals are kept and exercised.
- Keep your food away from areas where pet food and treats are stored, and away from areas where animals are kept or exercised.
- If there isn't a separate refrigerator for pet food, store food for people on top shelves, above food, treats, and other supplies for pets.

Clean up messes safely.

- Clean up any pee, poop, or vomit immediately, and disinfect the area according to store protocols.
- Use disposable gloves for clean-ups and wash your hands thoroughly afterwards.
- Wash work shoes or boots, clothes, and equipment regularly, and do so in an area that is not used to store or prepare food for people.
- Have shoes or boots that are only worn and stored at the workplace.

Follow store protocols for identifying and reporting sick or injured animals.

Let your employer know if you or other employees become ill, especially with diarrhea or vomiting.

Practice responsible use of antibiotics in pet stores.

- Only give antibiotics to animals under the direct supervision of a veterinarian.
- Veterinarians should use appropriate diagnostic tests to ensure that animals receive the right treatment.
- Monitor and document antibiotic use in pet stores.
- Educate breeders, brokers, and transporters who supply animals to pet stores about responsible use of antibiotics and the benefit of veterinary supervision of antibiotic use.

Symptoms of *Campylobacter* Infection in People



- Most people infected with *Campylobacter* infection develop diarrhea (often bloody), fever, and stomach cramps 2 to 5 days after being exposed to the bacteria.
- The illness usually lasts about a week and most people recover without antibiotic treatment.
- Antibiotics are needed only for patients who are very ill or at high risk for severe disease, such as people with severely weakened immune systems.

Investigation Details

December 17, 2019

CDC and public health officials in several states are investigating a multistate outbreak of multidrug-resistant human *Campylobacter jejuni* infections linked to contact with puppies from pet stores.

Public health investigators are using the [PulseNet](#) system to identify illnesses that may be part of this outbreak. PulseNet is the national subtyping network of public health and food regulatory agency laboratories coordinated by CDC. DNA fingerprinting is performed on *Campylobacter* bacteria isolated from ill people by using a standardized laboratory and data analysis method called [whole genome sequencing](#) (WGS). CDC PulseNet manages a national database of these sequences that are used to identify possible outbreaks. WGS gives investigators detailed information about the bacteria causing illness. In this investigation, WGS showed that bacteria from people infected with *Campylobacter* were related genetically to each other. This means that people in the outbreak are more likely to share a common source of infection. WGS also showed that bacteria from people infected with *Campylobacter* in the current outbreak are related genetically to [a 2016–2018 outbreak of multidrug-resistant *Campylobacter* infections linked to pet store puppies](#).

As of December 17, 2019, a total of 30 people infected with *Campylobacter* have been reported from 13 states. A list of the states and the number of confirmed cases in each state can be found on the [Map of Reported Cases](#) page.

Illnesses started on dates ranging from [January 6, 2019, through November 10, 2019](#). Ill people range in age from 8 months to 70 years, with a median age of 34; 52% of ill people are female. Of 26 people with information available, 4 hospitalizations have been reported. No deaths have been reported.

Illnesses might not yet be reported due to the time it takes between when a person becomes ill and when the illness is reported.

WGS analysis of 26 isolates from ill people predicted antibiotic resistance to tetracycline (26 isolates), ciprofloxacin (25), nalidixic acid (25), azithromycin (23), erythromycin (23), clindamycin (23), telithromycin (23), and gentamicin (18). Testing of one outbreak isolate using standard [antibiotic susceptibility testing](#) methods by CDC's [National Antimicrobial Resistance Monitoring System \(NARMS\)](#) laboratory confirmed these results.

Investigation of the Outbreak

[Epidemiologic and laboratory evidence](#) indicate that puppies purchased from pet stores are the likely source of this outbreak. Many of the cases had contact with puppies or were employees at pet stores, including Petland.

CDC included ill people in this outbreak if

- their stool (poop) sample grew *Campylobacter jejuni* in the laboratory (called a culture-confirmed infection) and they also had a link to puppies, or
- they had culture-confirmed *Campylobacter jejuni* infection that was closely related genetically to a confirmed puppy

- they had a culture-confirmed *Campylobacter jejuni* infection that was closely related genetically to a confirmed puppy-linked case by WGS.

In interviews, ill people answered questions about dog, puppy, and other exposures they had in the week before they became ill. Of 24 people interviewed, 21 (88%) reported contact with a puppy in the week before illness started, and 15 (71%) of those 21 people reported contact with a puppy from a pet store. When asked about the specific pet store, 12 (80%) of those 15 people reported either having contact with a puppy or working at a Petland store.

Investigators reported eight more ill people who had contact with a puppy at Petland and had a [diagnostic test](#) showing they were infected with *Campylobacter* bacteria. However, CDC did not include these people in the outbreak case count because no bacterial samples were available for WGS. Public health investigators use WGS to identify illnesses that are part of multistate outbreaks.

A single, common supplier of puppies has not been identified. This investigation is ongoing. CDC will provide updates if more information becomes available.

Outbreak By the Numbers



Map of Reported Cases



Timeline of Reported Cases

Key Resources

- [Advice to Clinicians](#)
- [Advice to Veterinarians](#)
- [Campylobacter website](#)
- [Heathy Pets Heathy People website](#)
- [National Antimicrobial Resistance Monitoring System \(NARMS\) website](#)
- [When and How to Wash Your Hands](#)
- [Pet Food Safety](#)

Page last reviewed: December 17, 2019

Exhibit 2



Multistate Outbreak of Multidrug-Resistant *Campylobacter* Infections Linked to Contact with Pet Store Puppies

Final Update

Posted January 30, 2018 3:45 PM ET

This outbreak investigation is over. Illnesses could continue because people may be unaware of the risk of *Campylobacter* infections from puppies and dogs. Information about how to prevent illness when handling puppies and dogs is available for pet owners.

Final Outbreak Advisory (January 30, 2018)

17	23	0	113
States	Hospitalizations	Deaths	Cases

CDC, several states, and the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA-APHIS) investigated a multistate outbreak of multidrug-resistant *Campylobacter* infections. [Epidemiologic and laboratory evidence](#) indicated that contact with puppies sold through Petland stores were a likely source of this outbreak. This outbreak investigation is over. Illnesses could continue to occur because people may be unaware of the risk of *Campylobacter* infections from puppies and dogs.

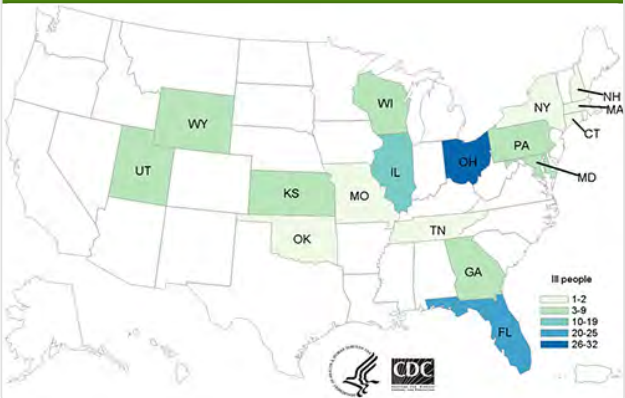
A total of 113 people with laboratory-confirmed infections or symptoms consistent with *Campylobacter* infection were linked to this outbreak. Illnesses were reported from [17 states](#). Illnesses started on dates ranging from [January 12, 2016 to January 7, 2018](#). Ill people ranged in age from less than 1 year to 86, with a median age of 27. Sixty-three percent of ill people were female. Of 103 people with available information, 23 (22%) were hospitalized. No deaths were reported. [Whole genome sequencing](#) (WGS) showed that isolates from people infected with *Campylobacter* were closely related genetically. This close genetic relationship means that people in this outbreak were more likely to share a common source of infection.

Campylobacter bacteria isolated from clinical samples from people sickened in this outbreak were resistant to commonly recommended, first-line antibiotics. This means it may be difficult to treat these infections with the antibiotics usually prescribed for *Campylobacter* infections. Antibiotic resistance may be associated with increased risk of hospitalization, development of a bloodstream infection, or treatment failure in patients. Using WGS, we identified multiple antimicrobial resistance genes and mutations in most isolates from 38 ill people and 10 puppies in this outbreak. This finding matched results from standard [antibiotic susceptibility testing](#) methods used by CDC’s [National Antimicrobial Resistance Monitoring System](#) laboratory on isolates from five ill people and seven puppies in this outbreak. The 12 isolates tested by standard methods were resistant to azithromycin, ciprofloxacin, clindamycin, erythromycin, nalidixic acid, telithromycin, and

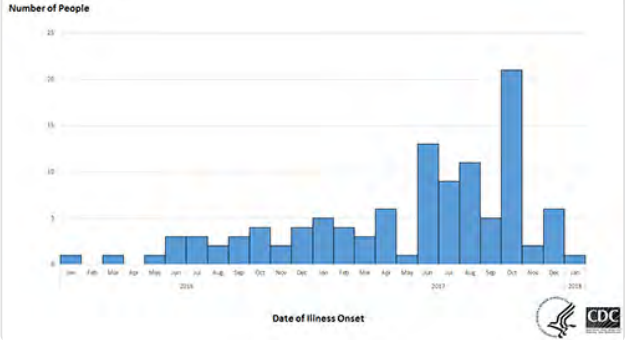
CLICK FOR ADVICE FOR PET OWNERS



CLICK TO VIEW CASE COUNT MAPS



CLICK TO VIEW EPI CURVES



tetracycline. In addition, 10 were resistant to gentamicin, and 2 were resistant to florfenicol.

In interviews, ill people answered questions about the foods they ate and any animal contact in the week before they became ill. Ninety-nine percent of people reported contact with a puppy in the week before illness started, and 87% reported they had contact with a puppy from Petland stores, or had contact with a person who became sick after contact with a puppy from a Petland store. Twenty-five ill people worked at Petland stores.

During the investigation, officials collected samples from pet store puppies for laboratory testing and identified the outbreak strain of *Campylobacter* in the samples. WGS showed that the *Campylobacter* isolates from sick people in this outbreak and isolates from pet store puppies were closely related genetically, providing additional evidence that people got sick from contact with pet store puppies.

Ill people reported contact with different breeds of puppies at different store locations in several states. The investigation did not identify a common breeder where puppies infected with the outbreak strain of *Campylobacter* originated. Puppies in this outbreak may have become infected at various points along the distribution chain when they had contact with infected puppies from other breeders or distributors during transport to pet store locations. Enhanced infection prevention measures throughout the distribution chain may help reduce the spread of *Campylobacter* infections among puppies.

This multidrug-resistant outbreak highlights the need for responsible use of antibiotics in pets. Education about best practices for *Campylobacter* disease prevention, diarrhea management in puppies, and responsible antibiotic use is essential throughout the distribution chain to help prevent the emergence and spread of antibiotic resistance. Pet owners should be aware that any puppy or dog, regardless of where it is purchased or adopted, may carry germs like *Campylobacter* that can make people sick. Always wash your hands thoroughly with soap and water right after touching puppies and dogs or after picking up their poop. Work with your veterinarian to keep your animal healthy to prevent disease. More information about how to prevent illness when handling puppies and dogs is available for [pet owners](#).

Advice

- Advice to Pet Owners
- +
- Advice for Pet Stores and Workers
- +
- Information for Healthcare Providers
- +
- Information for Veterinarians
- +

Previous Outbreak Advisories

- December 13, 2017
- +
- October 30, 2017
- +
- October 3, 2017
- +
- Initial Announcement
- +

More Information

- [Visit CDC's *Campylobacter* website](#)
- [Heathy Pets Heathy People](#)
- [Visit CDC's National Antimicrobial Resistance Monitoring System \(NARMS\) website](#)
- [When and How to Wash Your Hands](#)
- [Pet Food Safety](#)

Page last reviewed: January 30, 2018

Exhibit 3

Information for Health Professionals

Clinical features

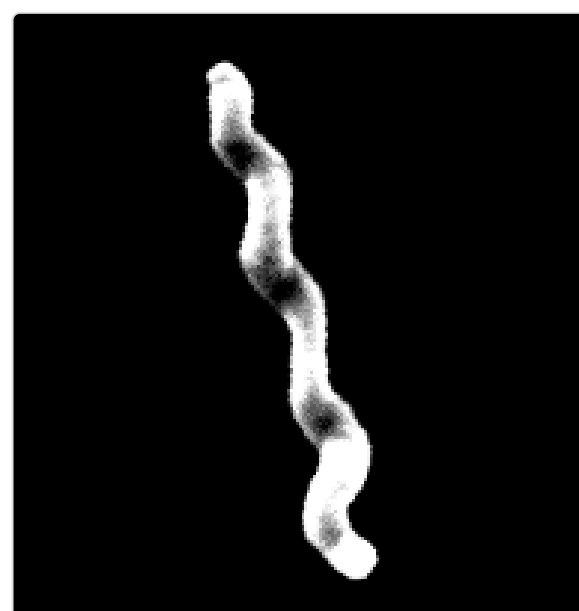
Incubation period is typically two to five days. *Campylobacter* infection is characterized by diarrhea (frequently bloody), abdominal pain, fever, nausea, and sometimes vomiting. More severe illness can occur, including bloodstream infection and symptoms mimicking acute appendicitis or ulcerative colitis.


Etiologic agent

Campylobacter is a gram-negative, microaerophilic genus of bacteria of the family *Campylobacteriaceae*. There are more than 20 species of *Campylobacter*, not all of which cause human illness. Approximately 90% of human *Campylobacter* illness is caused by one species, *Campylobacter jejuni*. Less common species, such as *C. coli*, *C. upsaliensis*, *C. fetus*, and *C. lari*, can also infect people.

Campylobacter jejuni grows best at 37°C to 42°C and seems to be well-adapted to birds, which have an approximate body temperature of 41°C to 42°C and can carry the bacteria without becoming ill.

These bacteria are fragile. They cannot tolerate drying. Freezing reduces the number of *Campylobacter* bacteria on raw meat.



This image depicts *Campylobacter jejuni* magnified 9,951x. [View larger >](#) 

Incidence

Active surveillance through the [Foodborne Diseases Active Surveillance Network \(FoodNet\)](#) indicates that about 20 cases per 100,000 people are diagnosed each year. Many more cases go undiagnosed or unreported. CDC estimates that 1.5 million people in the United States become ill from *Campylobacter* infection every year.

Outcomes

Most people with *Campylobacter* infection recover completely within one week.

Campylobacter infection can result in long-term consequences, such as arthritis, irritable bowel syndrome (IBS), and [Guillain-Barré syndrome \(GBS\)](#). CDC estimates that only 0.2 to 1.7 in every 1,000 diagnosed and undiagnosed *Campylobacter* illnesses leads to GBS, but estimates *Campylobacter* are responsible for 5-41% of GBS illnesses

Transmission

Most cases of *Campylobacter* infection occur after someone eats raw or undercooked poultry or another food that has been contaminated by raw or undercooked poultry. Outbreaks of *Campylobacter* infection are infrequently reported relative to the number of illnesses. Outbreaks have been associated with unpasteurized dairy products, contaminated water, poultry, and produce. People also can get infected from contact with dog or cat feces. Person-to-person spread of *Campylobacter* is uncommon.

Diagnosis

A confirmed case is the isolation of *Campylobacter* spp. from a clinical specimen. A probable case is the detection of *Campylobacter* spp. in a clinical specimen using a [culture-independent diagnostic test](#) (CIDT), such as a polymerase chain reaction test.

The use of CIDTs as stand-alone tests for the direct detection of *Campylobacter* in stool is increasing. Data indicate that the sensitivity, specificity, and positive predictive value of these assays vary, depending on the manufacturer. Culture confirmation of CIDT-positive specimens (called reflex culture) can be used to obtain the whole genome sequence, which can provide antimicrobial susceptibility data and molecular subtyping.

Treatment

Most infections are self-limited. Patients should drink extra fluids as long as the diarrhea lasts. Antimicrobial therapy may be used to treat people who are severely ill or at risk for severe disease.

People at risk for severe disease include people 65 years and older, pregnant women, and people with weakened immune systems, such as those with the blood disorders thalassemia and hypogammaglobulinemia, people with AIDS, and people receiving some kinds of chemotherapy.

Azithromycin and fluoroquinolones (e.g., ciprofloxacin) are commonly used for treatment, but resistance to fluoroquinolones is common. Antimicrobial susceptibility testing can help guide appropriate therapy.

- [See the 2017 Infectious Diseases Society of America Clinical Practice Guidelines for the Diagnosis and Management of Infectious Diarrhea](#) [↗](#)

Risk groups

Anyone can become infected with *Campylobacter* but infection is more common in males, children younger than 5 years, and people 65 years and older.

Surveillance

Campylobacter infections have been tracked passively through the [National Notifiable Disease Surveillance System \(NNDSS\)](#) since 1993 and actively since 2015 when these infections became nationally notifiable. [FoodNet](#) has conducted active surveillance for *Campylobacter* infections in sentinel sites since 1996. The [National Antimicrobial Monitoring System \(NARMS\)](#) monitors antimicrobial susceptibility to a range of antibiotics for a convenience sample of *Campylobacter* isolates from people. *Campylobacter* outbreaks are reported to CDC surveillance systems through the [National Outbreak Reporting System \(NORS\)](#).

Trends

[FoodNet](#) has tracked trends in *Campylobacter* infection since 1996. *Campylobacter* infections increased by 12% in 2018 compared with 2015–2017. More *Campylobacter* infections are probably being diagnosed because laboratories are using culture-independent diagnostic tests more often. It's also possible that the number of infections is truly increasing.

Exhibit 4

From: Tauxe, Robert V. (CDC/OID/NCEZID)
Sent: 19 Jan 2018 14:25:24 +0000
To: Wagenaar, J.A. (Jaap)
Subject: RE: A challenging Campy outbreak among pet dogs and people who love them

Hello Jaap. Thanks for your interest, and for the picture of me with Dr. Van Der Logt. The puppy story is not over – it is difficult to control with a whole system that lacks hygiene at many points and seems to use antibiotics instead. Hope all is well.

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

From: Wagenaar, J.A. (Jaap) [mailto:j.wagenaar@uu.nl]
Sent: Wednesday, November 01, 2017 1:16 PM
To: Tauxe, Robert V. (CDC/OID/NCEZID) <rvt1@cdc.gov>
Subject: RE: A challenging Campy outbreak among pet dogs and people who love them

Dear Rob,
Thanks for the update! I heard already about it when we visited CDC earlier this year. Hygiene with high pressure cleaning, that is helpful in making aerosols....
All the best, Jaap

From: Tauxe, Robert V. (CDC/OID/NCEZID) [mailto:rvt1@cdc.gov]
Sent: woensdag 1 november 2017 17:57
To: Wagenaar, J.A. (Jaap); Steen Ethelberg; MCANULTY, Jeremy; Andrea Ammon (ECDC); Andrea Ellis (CA); Carmen Varela Santos; DE VALK Henriette; Feng Zi Jian; Kamiya, Hajime (CDC gmail.com); Hexemer, April (CA); Johanna Takkinen (ECDC); Kåre Mølbak; Kasuga Fumiko; Kazu Nakashima; Kirk, Martyn (AU); Kubota, Kunihiro; Michael Baker; Patrick Wall (UCD.IE); Wilfrid Van Pelt (RIVM.NL)
Subject: A challenging Campy outbreak among pet dogs and people who love them

Dear colleagues. We are investigating an unusual (for us, at least) outbreak of Campylobacter infections that is related to puppies from one pet store chain. The latest case count is 67 ill people, in 15 states. See: <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html> Many work at the pet store chain, others visited the pet stores and played with the puppies there, or played with puppies purchased from one of those stores. The outbreak strain of Campylobacter jejuni is exceedingly resistant – both by genetic resistance prediction and by traditional MIC testing. Resistant to azithro-, erythro-, and telithromycin, ciprofloxacin, tetracycline, clindamycin and nalidixic acid. Some also R to gentamicin and florfenicol. We think this leaves only carbapenems as possible treatment (not approved for that purpose). How did they get this resistant, we wonder?

This particular chain of stores is particularly focused on dogs, and gets them from many breeders through a complex distribution networks. It seems there are entire companies dedicated to collecting and transporting the dogs from the dog breeders, to the stores. They use specialized transport trucks,

with racks of plastic cages, and gather the puppies in waypoints to spend the night in communal spaces. The scale of this business was surprising to us. Not clear yet how the cages are decontaminated after each run. It does seem to be standard practice to treat/pre-treat the puppies with a number of antibiotics to prevent the spread of various pathogens. It seems to be likely that each puppy has received more than one antibiotic by the time they reach the store. The field is lightly regulated, mainly with an eye to humane conditions. We also learned that some of our largest pet store chains (and pets are a very big business in the US) do not sell dogs at all, though they help make rescue animals available.

I learned recently that in NSW/QLD Australia, dogs are thought to be an important source of *Campylobacter*. We really don't know about the background frequency of *Campy*-related to the dogs in the US, except that a CC study we did back in 2000 showed having a pet puppy was a risk factor for sporadic illness, with pop attributable fraction of 5%.

https://academic.oup.com/cid/article/38/Supplement_3/S285/356125 Perhaps this is more common now? This is the first time we have had an actual outbreak related to dogs. Multi-state outbreak of *Campylobacter* are rarely detected here in the US. It has been a challenge to conduct the investigation across many jurisdictions, and many of the cases were diagnosed by culture independent tests, so it we have had less molecular epidemiology than we are used to. The dogs have datachips implanted in them, which is helping with the traceback.

Controlling this is also challenging. We are advising hygiene and sanitation in the stores, with handwashing available, while encouraging the company to seek specialized veterinary advice, and are trying to better understand the business practices of distribution. We wonder if this is going to recur, and if this is a possible application for a vaccine or other novel intervention.

All the best,

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

Exhibit 5

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Sent: 19 Jan 2018 14:25:24 +0000
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All the best,

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

Exhibit 6

From: Tauxe, Robert V. (CDC/OID/NCEZID)
Sent: 7 Feb 2018 16:04:16 +0000
To: Simon Firestone;Martyn Kirk;MCANULTY, Jeremy
Subject: Re: Role of Campylobacter Infection in Acute Polyradiculoneruritis in Dogs

Hello Simon and Martyn. About our puppy outbreak: We have 10 canine isolates and nearly 40 human isolates. All have the same extraordinarily resistance pattern. WGS divides them into three clades with several hundred SNPs separating the three. All three clades have the same resistance. We think it starts with the dogs, though the ultimate origin is obscure. We are collecting data on antibiotic exposure. Prophylaxis appears to be nearly universal with a variety of agents against agents of diarrhea and pneumonia. This is during transport and distribution, and at stores. We don't know what happens at the breeders. There seems to be no concept of stewardship. These are expensive dogs, costing \$1500 apiece.

We have a summary on our website.

Sent from my Verizon Samsung Galaxy smartphone

----- Original message -----

From: Simon Firestone <simon.firestone@unimelb.edu.au>
Date: 2/6/18 5:54 PM (GMT-05:00)
To: "Tauxe, Robert V. (CDC/OID/NCEZID)" <rvt1@cdc.gov>, Martyn Kirk <Martyn.Kirk@anu.edu.au>, "MCANULTY, Jeremy" <jmcan@doh.health.nsw.gov.au>
Subject: RE: Role of Campylobacter Infection in Acute Polyradiculoneruritis in Dogs

Thanks Rob and Martyn,

I'll also be interested if you can definitively identify which aspects of the resistance patterns came from the puppies, what they were fed or were only present in human cases.

Looks from Enzo Campagnolo's ZPH article like the puppies were asymptomatic and had never met antibiotics until well after the human cases were diagnosed. But was alarmed re their being fed 'commercial pet food consisting of 100 per cent pure minced raw chicken offal'. Hopefully you have information like this on more of the puppies involved and were able to sample what they were fed in some cases.

Always very impressed that so many US State Depts of Health maintain State Public Health Veterinarians.

If you see any room to collaborate, I would be happy to connect you to members of our Faculty involved in the National Centre for Antimicrobial Stewardship. Some of their online resources and guidelines may be helpful: <https://www.ncas-australia.org/animal>

Kind regards,
Simon

Simon Firestone | Senior Lecturer in Veterinary Epidemiology and Public Health
Coordinator – Master of Veterinary Public Health (Emergency Animal Diseases) Program

Vet Epi @ Melbourne | MVPH-EAD course website | Asia-Pacific Centre for Animal Health

Faculty of Veterinary and Agricultural Sciences
The University of Melbourne, Victoria 3010 Australia
T: +61 3 9035 7891 | E: simon.firestone@unimelb.edu.au

From: Martyn Kirk [<mailto:Martyn.Kirk@anu.edu.au>]
Sent: Tuesday, 6 February 2018 10:56 AM
To: Tauxe, Robert V. (CDC/OID/NCEZID) <rvt1@cdc.gov>; MCANULTY, Jeremy <jmcan@doh.health.nsw.gov.au>
Cc: Simon Firestone <simon.firestone@unimelb.edu.au>
Subject: RE: Role of Campylobacter Infection in Acute Polyradiculoneruritis in Dogs

Hi Rob

Thanks for sending that on. I hadn't seen it. We are working with Simon Firestone, one of the authors, on our campy case control study.

It looks like an amazing outbreak. Do you have an understanding of the origin of the resistant strain of campy infecting puppies? I will look forward to hearing about it.

Warm regards

Martyn

From: Tauxe, Robert V. (CDC/OID/NCEZID) [<mailto:rvt1@cdc.gov>]
Sent: Tuesday, 6 February 2018 10:04 AM
To: MCANULTY, Jeremy <jmcan@doh.health.nsw.gov.au>; Martyn Kirk <Martyn.Kirk@anu.edu.au>
Subject: FW: Role of Campylobacter Infection in Acute Polyradiculoneruritis in Dogs

Dear colleagues. Happy Year of the Dog!
Congratulations to the Melbourne team that did this very nice piece of work. Sounds like the Australian Campylobacter story around dogs/chicken necks is coming together nicely.

Our own MDR Campy in Puppies is really challenging, though slowing down with some attention to hygiene in the system. We met with a pet industry council last week, and asked them for help devising recommendations for dog breeders, dog transporters, dog distributors and pet stores... Trying to introduce the idea of antibiotic stewardship there as well.

Cheers,

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

From: Laughlin, Mark E. (CDC/OID/NCEZID)
Sent: Monday, February 05, 2018 9:38 AM
To: Tauxe, Robert V. (CDC/OID/NCEZID) <rvt1@cdc.gov>
Subject: Role of *Campylobacter* Infection in Acute Polyradiculoneuritis in Dogs

Good morning Rob,

I thought you may find this article interesting. I remember you talking about the role of *Campylobacter* infection from raw chicken necks being linked to APN in dogs. This group did a case-control study and found that APN cases were 9.4 times more likely to be positive for *Campylobacter spp* than their controls.

Best,
Mark

Mark E. Laughlin, DVM, MPH-VPH, DACVPM

Veterinary Medical Officer
Enteric Diseases Epidemiology Branch
Division of Foodborne, Waterborne, and Environmental Diseases
National Center for Emerging and Zoonotic Infectious Diseases
Centers for Disease Control and Prevention
Office: 404-639-5272
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Whz7@cdc.gov

Exhibit 7



HEALTH AND SCIENCE

Doctors worry the coronavirus is keeping patients away from US hospitals as ER visits drop: 'Heart attacks don't stop'

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KEY POINTS

As Covid-19 patients flood emergency rooms across the country, non-coronavirus patients are avoiding hospitals and seeking treatment at alternative outpatient sites.

Emergency room visits are down by about 50% across New York City Health + Hospital locations, according to data shared with CNBC, a trend seen across the nation.

If people are avoiding hospitals out of fear, it could have long-lasting public health consequences, said Dr. Rod Hochman, CEO of Providence St. Joseph Health.



MARKETS



CNBC TV



WATCHLIST



MENU



Christine McCarthy, a nurse for over 20 years and a palliative nurse for the past year, sits for a portrait on an empty hospital bed at Massachusetts General Hospital in Boston on Apr. 2, 2020. Here at the states largest hospital, staff are coping with unprecedented realities in this coronavirus pandemic and deeply worried about what is yet to come. There is an odd juxtaposition inside this normally bustling world-renowned hospital: Expanded intensive care units are packed with COVID-19 patients, while other floors and places such as family waiting rooms are deserted, quiet.

Erin Clark | Boston Globe | Getty Images

Dr. Rod Hochman said his brother-in-law “was petrified” of going to the hospital for a necessary doctor’s appointment, fearing he would catch the coronavirus.

Hochman, CEO of Providence St. Joseph Health in the Seattle area, was eventually able to convince his relative to go by suggesting he take the first appointment in the morning and wear a mask.

His brother-in-law isn’t the only patient afraid to go to the hospital in the middle of the Covid-19 pandemic. Emergency room and other doctor’s visits at Providence’s 51 hospitals are way down, reflecting a broader trend across the U.S. as people steer clear of hospitals for sometimes necessary and emergency care, even for mild heart attacks.

Physicians worry that patients with severe illnesses may suffer permanent damage by



MARKETS



CNBC TV



WATCHLIST



MENU



At Providence, the volume of heart attack patients fell by about 50% in March compared with the same month last year, Hochman said, adding that the notion that people have just stopped having heart attacks is “too good to be true.” He and other physicians suspect patients that have mild heart attacks or strokes — which would normally have sent them to the ER — are seeking treatment from family doctors or outpatient clinics or are forgoing it altogether as Covid-19 patients inundate hospitals across the country. The consequences could last years, he said.

“The big question is are we going to see a lot more people that have bad outcomes from heart disease, from stroke, from cancer because they’ve put off what they should have had done but were too afraid to come to the hospital,” he said.

Injuries are down

Emergency room visits are likewise down by about 50% across New York City Health + Hospital locations, according to data shared with CNBC. The decline isn’t just being driven by fear of catching CV-19. The number of injuries across the country has fallen as most people stay home under some sort of quarantine order. There’s also public confusion over the cancellation of elective procedures, doctors and hospital administrators told CNBC.

“In my almost 30 years of practicing dermatology, I’ve never seen anything like this,” said Dr. Fayne Frey, a dermatologist in Rockland County, New York, about 20 miles north of New York City. New York has the largest Covid-19 outbreak in the country.



**VIDEO** 06:13**There is a risk Covid-19 could come back in the fall if we don't have a vaccine: Scott Gottlieb**

Since the coronavirus outbreak began to hit the state hard in March, her patients have been flooding her office — but not for the usual acne treatments or Botox. She said she's seen a surge of patients who need emergency care but want to avoid going to the hospital.

Frey's dermatology practice has remained open as an essential business. As patient visits have dropped, especially for elective procedures, she's seen an unusual uptick in patients who would normally seek treatment at a hospital.

Last week, a patient with a deep, six-inch laceration came into her office needing stitches, Frey said, adding that the patient said she didn't want to go to a hospital during the coronavirus pandemic. Frey has also seen staph infections, shingles, badly infected cuts and rashes that would normally land a patient in the ER, Frey said.

Fear

"I'm seeing people who don't want to go to the emergency room," she said. "I just think there's an overall fear right now of going near urgent care centers and emergency rooms because that's where people with a cough and fever will go."

It's not just fear that's keeping people out of the hospitals, Hochman added, but misunderstanding. [On March 19](#), Washington Gov. Jay Inslee ordered physicians to halt all elective surgeries to free up equipment and personnel for Covid-19 patients. However, there are exceptions, including scenarios where delaying a procedure would cause harm to the patient. Hochman said he's concerned people think hospitals are closed to non-coronavirus patients.



he said. He also said preventive care is down, including colonoscopy screenings for cancer and mammograms, which could have long-term public health consequences, such as a jump in cancer rates a year or so down the road.

“We’re possibly going to see a blip in other disease entities as a consequence of doubling down on Covid-19,” he said, adding that it will take years to fully understand the consequences.

VIDEO 01:01

Wondering if insurance will cover the coronavirus—Here’s what you need to know

Stay-at-home orders

The drop in non-coronavirus patients is a trend seen all over the U.S., according to the American Hospital Association, which identified stay-at-home orders as the primary cause. The group represents more than 5,000 hospitals and health networks.

“Across the country, our members have observed a decline in patients who need non-Covid-19 emergency care,” the group said in a statement. “An influencer of this trend is stay-at-home orders, which have resulted in less incidents such as accidents and other injuries.”



MARKETS



CNBC TV



WATCHLIST



MENU



said Dr. Christian Mossallam, vice president of Henry Ford Health, which runs five hospitals in Southeast Michigan. It makes sense that such injuries as blunt trauma from car accidents and work-related incidents are down due to such policies, he said. However, Mossallam said he's also observed a major drop in other emergency visits.

"We believe a lot of this is fear of coronavirus," he said, adding that he's concerned that people with illnesses such as asthma that require ER attention are staying home instead and that could be causing long-term damage.

'Heart attacks don't stop'

Dr. Christopher Freer, director of emergency medicine at RWJBarnabas Health, which has 11 emergency departments across New Jersey, echoed Mossallam's point.

"Even with coronavirus, we still have healthy people who get an illness and need to go to the emergency room," he said. "Heart attacks don't stop."

RWJBarnabas normally has about 280 emergency visits per day, he said, adding that this past weekend, it was down to about 180 per day. He said the ERs are still seeing the most severe patients, such as stroke victims and appendicitis patients, but people with mild injuries have stopped coming in, for the most part.

The drop in emergency visits has one welcome side benefit: It's helping to free up hospital beds that U.S. and state officials have projected will soon be overflowing with Covid-19 patients. Instead of the wartime triage scenarios predicted by U.S. health officials, emergency rooms in some parts of the country are relatively empty.

**VIDEO** 01:09**How to keep your health insurance if you're furloughed or laid off**

'Dog that doesn't bark'

Cardiologist and health-care researcher Dr. Harlan Krumholz at the Yale School of Medicine in New Haven, Connecticut, said that despite the Covid-19 patients flooding some hospitals, many emergency wards remain quiet. It's difficult to know just how many people aren't seeking emergency care, he said.

"It's like asking have you seen the dog that doesn't bark," he said. "The hospitals aren't nearly as full as they were before."

U.S. hospitals need to get the message out that they are safe, Krumholz said, and that there are systems in place to protect non-coronavirus patients. If people delay care by waiting to go to the hospital until symptoms have developed into a serious illness, it could be too late to prevent long-term damage or even death, he said.

"If you're having trouble speaking or you have weakness in one of your arms or legs, these aren't things to tough out," he said. "More people are dying at home, and some of them are dying of things that aren't directly related to the virus."

Exhibit 8



April 14, 2020

John Paul Goodwin
Senior Director, Stop Puppy Mills Campaign
The Humane Society of the United States
1255 23rd Street NW, Suite 450
Washington, DC 20037

Dear Mr. Goodwin:

Thank you for your letter to Dr. Rima Khabbaz, Director of the National Center for Emerging and Zoonotic Infectious Diseases, regarding outbreaks of *Campylobacter jejuni* infections linked to puppies purchased from pet stores. It was forwarded to my office for response. As you indicated in your letter, the Centers for Disease Control and Prevention (CDC) investigates outbreaks linked to contact with animals and animal products to better understand sources of human illnesses and antibiotic resistance and to control and determine measures that can prevent additional illnesses and outbreaks.

Recent investigations led by CDC and state health departments indicate that *Campylobacter* is still being transmitted to people through pet store puppies, and that the occupational health risk to pet store employees probably persists. Therefore, we continue to communicate across the pet industry to encourage infection prevention practices including the following:

- Adoption of animal husbandry and sanitation practices that minimize transmission of *Campylobacter* among puppies and between puppies and people;
- Implementation of protocols and educational efforts to help reduce illnesses among Petland and other pet store employees and customers; and
- The judicious use of antimicrobial agents in puppies at Petland locations and other pet stores to reduce selective pressure that might cause multidrug resistant strains of *Campylobacter* to emerge.

CDC does not have regulatory authority over pet stores and their practices. No federal authority exists that governs antibiotic use in companion animals like dogs. CDC has worked with the United States Department of Agriculture's Animal and Plant Health Inspection Service Animal Care program and with some state departments of agriculture as well as the Pet Industry Joint Advisory Council to inform commercial pet breeders, distributors, transporters, and others involved in the industry about responsible use of antibiotics and appropriate veterinary care and diagnostic testing. Together, these practices can better inform treatment and provide owners with information on how to best prevent transmission of *Campylobacter* from animals to people.

CDC is concerned that the risk to employees and customers exposed to puppies sold in pet stores is continuing. CDC continues to inform pet owners, pet stores and their employees, healthcare providers, and veterinarians about ways to prevent infection.

Thank you again for your interest and concern for pets and pet owners. We would welcome further discussions with The Humane Society of the United States on how we can collaborate to help people stay healthy around pets. Please feel free to reach out to Jessica Sweeney by phone at 404-639-1713 or by email at xfpl@cdc.gov with further questions or to schedule a follow-up telephone conference.

Sincerely,

A handwritten signature in black ink, reading "Robert Tauxe", followed by a long horizontal flourish line extending to the right.

Robert Tauxe, MD, MPH

Director, Division of Foodborne, Waterborne, and Environmental Diseases

National Center for Emerging and Zoonotic Infectious Diseases, Mailstop H24-9

CC: Gillian Lyons, Senior Regulatory Specialist

Exhibit 9

Puppy mills are large-scale canine commercial breeding establishments (CBEs) where puppies are produced in large numbers and dogs are kept in inhumane conditions for commercial sale. That is, the dog breeding facility keeps so many dogs that the needs of the breeding dogs and puppies are not met sufficiently to provide a reasonably decent quality of life for all of the animals. Although the conditions in CBEs vary widely in quality, puppy mills are typically operated with an emphasis on profits over animal welfare and the dogs often live in substandard conditions, housed for their entire reproductive lives in cages or runs, provided little to no positive human interaction or other forms of environmental enrichment, and minimal to no veterinary care.

This report reviews the following:

- What Makes a Breeding Facility a “Puppy Mill”?
- How are Puppies from Puppy Mills Sold?
- How Many Puppies Come from Puppy Mills?
- Mill Environment Impact on Dog Health
- Common Ailments of Puppies from Puppy Mills
- Impact of Resale Process on Puppy Health
- How Puppy Buyers are Affected
- Impact on Animal Shelters and Other Organizations
- Conclusion
- References

What Makes a Breeding Facility a “Puppy Mill”?

Emphasis on Quantity not Quality

Puppy mills focus on quantity rather than quality. That is, they concentrate on producing as many puppies as possible to maximize profits, impacting the quality of the puppies that are produced. This leads to extreme overcrowding, with some CBEs housing 1,000+ dogs (often referred to as “mega mills”). When dogs live in overcrowded conditions, diseases spread easily.

Indiscriminate Breeding

In puppy mills, dogs are bred early and often. Females are typically bred every cycle, regardless of their health. This continuous breeding can lead to gradually decreasing litter sizes. Then, once a dog’s production wanes, they are usually discarded. In addition, there is often no screening for heritable disorders, resulting in generations of dogs with unchecked hereditary defects. While the puppies produced may come with pedigrees, the pedigree itself is neither an indication of quality nor authenticity (i.e., guarantee of breed).

Continuous Confinement

Most dogs in puppy mills are subject to constant confinement, with little to no exercise. Breeding dogs at puppy mills might spend their entire lives in indoor cages. Alternatively, some may spend their entire lives outdoors, exposed to the elements. Continuous confinement frequently causes animals to suffer from chronic anxiety, social isolation, inadequate stimulation, and lack of physical exercise.^{1,2,3,4,5,6} Long-term

confinement of any animal who cannot be provided with basic care, daily enrichment and exercise without inducing stress, is unacceptable.⁷

Lack of Human Contact and Environmental Enrichment

Continuous confinement results in a lack of human contact and other forms of environmental enrichment. Dogs in puppy mills do not receive treats, toys, basic grooming, and rarely receive exercise. This lack of stimulation can lead to serious behavioral problems and emotional stress.

Poor Husbandry

Many puppy mills have poor sanitation, food, and water. There is usually inadequate waste control, forcing the dogs to be in constant contact with their own feces and urine, as well as the waste of other dogs. Often the water is dirty and/or frozen, and the food is stale and soiled. All of these conditions can harbor microorganisms, spread disease and attract insects and rodents—increasing the risk of disease and cross-contamination. If kept outside, dogs from puppy mills are often not provided adequate protection from the elements.

Minimal to No Veterinary Care

Breeding dogs in puppy mills often suffer from injuries and diseases that go untreated. Injuries and disorders that don't affect a dog's reproductive capabilities are rarely treated. Arguably the worst problem is untreated advanced dental disease, causing infection, pain, and in severe cases the loss of part or all of the mandible and maxilla. In addition, eye and skin diseases are common disorders that are often overlooked and untreated.

Sometimes puppy mills staff practice veterinary medicine without a license. Examples include:

- Performing surgical procedures (e.g., tail docking, ear cropping, dew claw removal, surgical births)
- Giving prophylactic antibiotics
- Attempting to diagnose and treat diseases with prescription medications
- Administering antitussives to mask sounds/signs of illness

A lack of professional veterinary medical care can lead to deadly mistakes when puppies are misdiagnosed, overmedicated, or given an inappropriate medication.

How are Puppies from Puppy Mills Sold?

Puppies from puppy mills are sold through a number of different venues, including:

- Pet stores
- Internet
- Classified ads
 - Newspapers
 - Dog magazines
 - Web site ads
- Flea markets, roadside stands
- Breeder directories

Web sites, advertising, and other promotions can be deceptive. The quality of a web site or advertising material is not indicative of the quality of a facility. Web sites can often be even more misleading, promising “family-raised” puppies which are actually from large commercial breeders.⁸

Breed registries work on an “honor system” (that is, most puppies are registered by mail or on-line). Therefore, there is no guarantee that a registered puppy is the progeny of registered parents. In addition, breed registries provide no guarantee of facility quality or of the puppy’s or the parent dog’s health.

Pet stores need a constant supply of puppies, so they will often deal with large commercial breeding facilities. Although pet stores usually claim their dogs are from “breeders,” a majority of their “breeders” are actually puppy mills.^{9,10,11} An HSUS review of records for more than 6,700 puppies shipped to pet stores between 2009 and 2012 found more than *two thirds* of the puppies were shipped by brokers, not breeders.¹²

Commercial Breeders: Selling for Resale

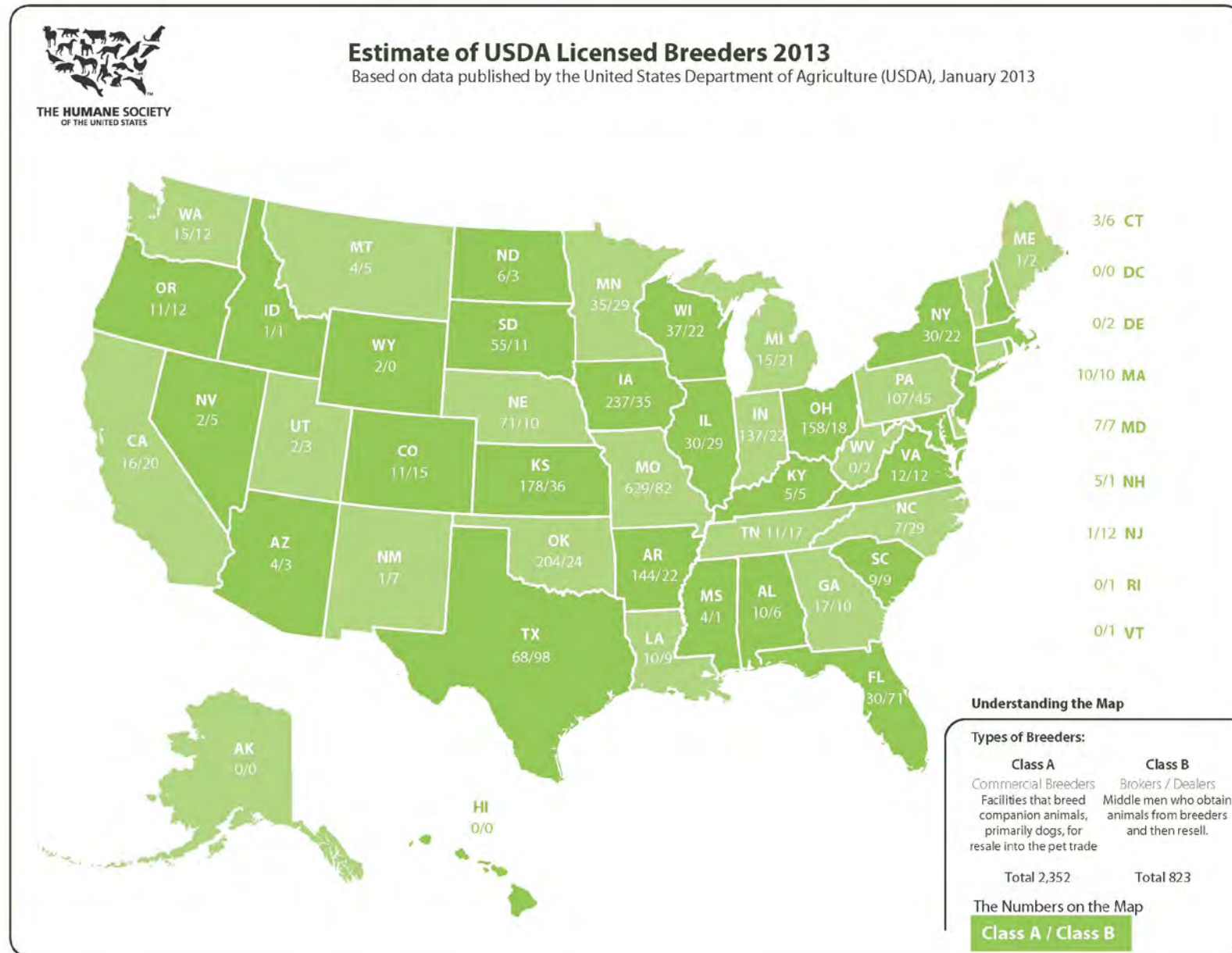
Commercial breeders sell puppies to the pet store trade and others for resale. They are required to be licensed and inspected by the United States Department of Agriculture (USDA) under the Animal Welfare Act (AWA). But licensure does not equal AWA compliance. In response to media coverage and pressure from the public, Congress, animal protection organizations, and others, the USDA Office of Inspector General conducted an [audit](#)¹³ of the Animal and Plant Health Inspection Service’s (APHIS) Animal Care (AC) unit, which is responsible for enforcing the AWA, focusing on AC’s inspections of problematic dealers.

The audit identified the following major deficiencies with the APHIS’ administration of the AWA:

1. AC’s enforcement process was ineffective against problematic dealers.
2. AC inspectors did not cite or document violations properly to support enforcement actions.
3. APHIS’ new penalty worksheet calculated minimal penalties.
4. APHIS misused guidelines to lower penalties for AWA violators.
5. Some large breeders circumvented the AWA by selling animals over the Internet.

(continued on next page)

Map of USDA-Licensed Breeders by State:



Non-Resale Breeders: Selling Directly to the Public

Non-Resale breeders sell to individual consumers. Few states require licensing or inspection of these breeders and the state inspection programs are often understaffed and ineffective. Although all 50 states have laws that prohibit animal cruelty, they are difficult to enforce because mills operate behind closed doors on private property. There are literally thousands of puppy mills in existence all over the country and most of them are not required to register with any one agency.

How Many Puppies Come from Puppy Mills?

Although precise statistics are difficult to compile since most dog breeders are unregulated, according to estimates by The Humane Society of the United States (HSUS), there are over 10,000 puppy mills in the U.S.,¹⁴ selling approximately 2 million puppies annually.¹⁴

Mill Environment Impact on Dog Health

Behavioral/Mental Health Issues

Numerous anecdotal reports have suggested that after removal from CBEs many of the former breeding dogs display persistent behavioral and psychological abnormalities when compared with the general pet dog population. In a landmark [study](#) appearing in *Applied Animal Behaviour Science* in 2011,¹⁵ researchers were able to confirm this anecdotal evidence empirically.

The research encompassed more than 1,100 dogs rescued from puppy mills who had been in their new homes an average of 2 years. The dogs were found to have significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched. Compared to ‘normal’ pet dogs, the chance of scoring in the highest ranges for fear was six to eight times higher in the dogs recovered from puppy mills. It is the first clear quantitative evidence that dogs confined in CBEs for breeding purposes demonstrate impaired mental health and, as a result, diminished welfare.

One of the researchers, Dr. Franklin McMillan, told *USA Today* “This study gives us strong evidence that the dogs kept in these large-scale breeding facilities don't just suffer while they're confined there, but carry the emotional scars out with them for years, even when they're placed in loving homes.”

Another study published in 2013¹⁶ concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores (which commonly obtain puppies from puppy mills).

Spread of Disease

There is little debate that life in a puppy mill is stressful. This stress decreases the immune response which in turn increases a dog's susceptibility to disease. Overcrowded conditions can cause one sick dog to infect many other dogs relatively quickly and easily. Continuous confinement means dogs are continuously exposed to animal waste. Dirty food and contaminated water can harbor microorganisms. In addition, pest infestations and rodent droppings in the environment contribute to spread of disease. Group housing amplifies all of these effects.

Often, staff of puppy mills respond to the constant threat of disease by using mass-scale drug therapy, sometimes used in lieu of good preventive health care and/or sanitation, and prophylactic antibiotics. As with

breeding livestock, prophylactic antibiotic use on this scale can foster the development of multi-drug-resistant strains of bacteria.

Illnesses and Injuries

According to complaints received by The HSUS, viruses such as Parvovirus, Canine Brucellosis, and Canine Distemper Virus, are all too common diseases incurred by dogs in mills. These puppies are often inflicted with *Bordetella bronchiseptica* (i.e., kennel cough), pneumonia and other respiratory infections. Parasitism from *Giardia canis*, coccidiosis, intestinal parasites (e.g., roundworms, whipworms, hookworms, tapeworms), fleas and mange (skin mites) rank high on the list of common illnesses endured by these dogs.

Injuries also plague puppies from puppy mills. These injuries can range from damaged paw pads to broken jaws. And the lack of grooming and proper hygiene that these dogs endure leads to severe coat matting and foot and nail problems.

Negative Impact of Wire Mesh Flooring

To presumably minimize waste cleanup, dogs are often kept in cages with wire flooring, interfering with normal dog behavior and potentially causing paw and leg injuries. Also, it is not unusual for cages to be stacked up in columns.

Animal Behavior Science Shows Terrestrial Species Prefer Solid Flooring

Although wire flooring may be preferred by arboreal (tree-living) species such as marmosets, solid flooring is the most appropriate for terrestrial species¹⁷ such as canids. One study demonstrated that foxes were willing to work to gain access from a wire mesh floor to a solid one. On the solid floor, they performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting (exploring with their muzzles) and jumping.¹⁸

Potential Injuries and Illness Caused by Wire Flooring

By discouraging normal animal behaviors, such as reclining, wire flooring may compromise the health and welfare of animals housed in such systems.¹⁹ Dogs kenneled on wire flooring may remain standing longer because of the discomfort associated with lying down on this material. These dogs may suffer damage to their paw pads from long-term contact with wire under the pressure of their body weight. It can cause painful cuts and cracks to their pads and put the dogs at risk of infection. Dogs splay their paws in order to maintain their balance on wire flooring. Consequently, they can develop painful inter-digital cysts and sores, which can disrupt their normal gait. Nails of the dog kept in these conditions overgrow—often in a curved manner—due to limited contact with solid surfaces. With continued overgrowth, curved nails can become painfully embedded in the paw pads. Long nails also contribute to abnormal gait and can become caught in or around the wire. They may then be partially or completely torn off, causing bleeding and great discomfort.

Kennels must be able to accommodate a wide range of dog sizes—depending on breed, conformation and age—including young puppies. For this reason the size of the wire mesh can be a serious liability; entire paws and even limbs may slip through it. If a dog struggles to pull a limb back through the mesh, it can cause severe lacerations or even unintentional amputation of that limb, as has been evidenced in USDA inspection reports.²⁰ In a kennel with stacked cages, dogs may injure or mutilate limbs of other dogs housed above or below them.

Other Health and Welfare Issues Associated with Wire Flooring

Although some states require wire mesh flooring to be vinyl-coated, the vinyl material is not durable and wears off quickly. Without coating the wire is even sharper, more uncomfortable and potentially dangerous.

The wire can also become extremely hot in warm temperatures or in sunlight. In cooler weather, wire mesh flooring allows for increased drafts in kennel cages. It is more difficult for dogs housed in drafty cages to thermo-regulate appropriately. This is particularly true for puppies and other dogs with minimal body mass or fat.

Dogs in kennels with wire flooring may restrict their own activity in an attempt to avoid discomfort. This can lead to obesity and other health problems. The stresses of uncomfortable confinement can foster anxiety, frustration or depression, causing dogs to withdraw, bark frequently, self-mutilate or develop inappropriate repetitive behaviors.

Sanitation Concerns

If kennels are cleaned regularly and appropriately, solid flooring can be easier to clean more thoroughly than wire flooring. Wire mesh is often used as commercial dog kennel flooring because it is presumed to facilitate cage cleaning. However, dog feces often stick to the mesh material, becoming caked onto the wire. Once this fecal material dries, it is very difficult to remove completely. Feces that do drop through the mesh accumulate on the floor below, attracting flies and other insects. These insects are not only a nuisance to the dogs, but can also pose a health risk to them. Fly strike can result in open wounds and insect bites increase the likelihood of disease transmission. In stacked-cage scenarios, wire mesh flooring amplifies the health risks for the dogs housed below.

Puppy Mill Rescue Examples:

[Hertford, NC on July 21, 2011](#)²¹

When 80 dogs were rescued from a puppy mill in Hertford, NC, a veterinarian involved with intake reported that almost 50% of the dogs were afflicted with parasites, 23% suffered from ear infections, 15% suffered from various eye disorders, including keratoconjunctivitis sicca (KCS), a very painful dry eye condition, and all the animals older than 18 months showed evidence of moderate to severe periodontal disease. One of the dogs had such severe dental disease that she required 32 dental extractions, while others had periodontal disease so severe that it led to bone resorption of the mandible (eroded jaw bone). Six dogs suffered from pyoderma (skin disease) secondary to urine-soaked matted fur.

[Stuarts Draft, VA in August 2009](#)²²

When more than 100 dogs were removed from a puppy mill in Stuarts Draft, VA, findings from a 200-page state veterinarian report indicated that out of 80 dogs examined, more than 60% of them suffered from a disorder serious enough to require emergency veterinary care, more than 80% suffered from parasites, almost 40% were underweight, more than 35% were suffering from dehydration, and more than 40% were suffering from eye disorders such as conjunctivitis, ocular infections or KCS. Many of the severely underweight or ill dogs were also pregnant, affecting the survivability of their offspring.

Common Ailments of Puppies from Puppy Mills

An extensive [report](#)²³ from The HSUS, summarizing the 2,479 puppy buyer complaints that they received over a five-year period (from 2007-2011), indicated the following as typical complaints of puppies from puppy mills:

Illness	40%
<i>(intestinal parasites, pneumonia, parvovirus, ear infections, skin disorders, urinary infections, etc.)</i>	
Congenital defect	34%
Death of puppy	15%
Temperament issues	3%
Returned due to illness	2%
Other	6%

It should be noted that the complaints received by The HSUS represent only a small fraction of sick puppy complaints nationwide. Some buyers of sick puppies report their complaints directly to the seller, to local animal control, or to a consumer agency such as their local Better Business Bureau, instead of contacting a national group. Many others do not contact anyone at all.

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled “Little Shop of Sorrows” was produced: 44% of the locations visited had sick and neglected animals, 32% of the animals were confined in unhealthy, cramped, or crowded conditions and 25% of the animals didn’t even have adequate food or water.^{24,25} Because the cost of veterinary consultation and treatment can easily exceed the commercial value of an animal, there is a great incentive for the CBE and/or pet shop owner to deny animals necessary treatment. This means that animals are simply left to suffer or even die from untreated illnesses or injuries.

Because there is often no meaningful screening for heritable disorders, nor are dogs typically removed from the breeding stock if a disorder is identified, some puppies who come from puppy mills are subject to the affliction of heritable and congenital disorders, including:

- Orthopedic problems (e.g., early hip dysplasia, especially in larger breeds and luxating patella, especially in smaller breeds)
- Neurological disorders (often of unknown origin (idiopathic))
- Hepatic disease (e.g., liver shunts)
- Cardiac disease
- Ocular disorders (e.g., entropion)
- Umbilical hernias
- Blood disorders (e.g., von Willebrand’s disease)
- Endocrine disorders (e.g., thyroid abnormalities)
- Allergies

Impact of Resale Process on Puppy Health

Consumer demand for tiny puppies often results in premature separation from mother (sometimes at 5-6 weeks of age, much younger than the recommended weaning age of 8-12 weeks). Often they are then sold to brokers who pack them in crates for resale to pet stores all over the country. Some of the puppies do not survive during this exhausting travel and others may be exposed to diseases during transport. Even if vaccinated for specific diseases, one sick puppy may infect others during the journey because they have yet to receive the full series of vaccinations.

Early separation, exposure to potentially hazardous shipping conditions and the stress of transport all are likely to weaken the immune systems of puppies from puppy mills—making the puppy more susceptible to disease. In addition, there may be a delay in the manifestation of health problems, often not fully evident until a puppy has been sold and is living in a new home.

The Internet is an increasingly common way for consumers to purchase puppies, especially for puppies who come from puppy mills. Until recently, very little information was available about the types of puppies sold via the Internet. In addition, these sales are not subject to United States Department of Agriculture (USDA) regulation. A study published in *Preventive Veterinary Medicine* in 2011,²⁶ found that breeders who advertise at one of the large-scale puppy sales websites are less knowledgeable about breed-specific health issues compared to a national parent club breeder. These breeders who advertise on the Internet are often less likely to perform these screening tests on their breeding dogs and may breed dogs with undesirable heritable health risks.

In addition, airline shipment in the cargo hold (a primary way in which Internet-purchased puppies are shipped) is especially dangerous for small puppies due to the risk of encountering temperature extremes, diverted flights, layovers, etc. Also puppies can easily become hypoglycemic when not fed regularly during long flights. An example of this kind of tragic event was [reported by ABC News in August 2010](#).²⁷

How Puppy Buyers are Affected

Not only are the individual puppies and dogs from puppy mills affected but the puppy buyer is, as well. If the puppy becomes sick, the puppy buyer will have to incur the potentially high veterinary costs to treat the illness. Despite these costly interventions, puppies often die. Puppy buyers are rarely compensated by consumer protection laws, even in states with “puppy lemon” laws. Surviving pups may have lifelong disabilities, resulting in recurrent medical or behavioral issues. In addition, other pets, or people, in the household may also become sick if the disease is contagious to humans. This all has a heavy emotional toll on these guardians.

Impact on Animal Shelters and Other Organizations

The closure of a puppy mill, and the subsequent removal of all of the dogs, can drain the financial resources of a local community, local animal welfare entities, as well as large humane organizations. A [report](#) by The HSUS in 2011²⁸ highlights this economic impact. Examples include:

Vermont Puppy Mill, July 2011

The HSUS facilitated the removal, emergency sheltering, and initial veterinary care for 58 Labrador retrievers from a puppy mill in Vermont after the operator was charged with animal cruelty. The cost to The HSUS of deploying the Animal Rescue Team, transporting animals, and purchasing animal care supplies and equipment to assist in the removal and initial treatment of the animals was \$52,675—or almost \$1,000 per animal. This cost did not include the salaries of law enforcement and security staff deployed to the scene, the cost of the legal proceedings, or the first 30 days of running the supervised, climate-controlled shelter, which was donated by a local horse farm and partially staffed by unpaid volunteers. The value of sheltering the animals at \$10 per animal per day would have added an additional \$17,400 to the costs, for a total of \$70,075, or more than \$1,200 per animal. Extensive follow-up medical expenses for some of the animals, including some who required amputations and tumor removals, are not included in this estimate.

Washington State Puppy Mill, June 2009

After a puppy mill owner in Washington state was charged with animal cruelty for harboring sick animals in dilapidated housing, The HSUS facilitated the removal, emergency sheltering, and initial veterinary care for 371 dogs from. Although private citizens reportedly donated approximately \$12,000 to the local sheriff’s department to help care for the dogs, law enforcement authorities reported that the estimated cost of the rescue operation was approximately \$330,000, including the value of services from local veterinarians and clinics for the first 30 days of animal care. Most of the services, however, were provided to the county at no charge by The HSUS.

Tennessee Puppy Mill, June 2008

The HSUS led the effort to close a Tennessee puppy mill containing 700 dogs. This was done over a period of six days at a cost of approximately \$120,000 to The HSUS. This did not include the financial costs incurred by the local government and the many other groups working with The HSUS, or the costs associated with investigating the facility, filing charges, and the long judicial process. Local animal shelters who received the dogs also expended significant resources processing, spaying/neutering, providing medical treatment, and finding good homes for the animals.

Approximately 50 people (experts and volunteers) a day participated, including numerous local, state, and national humane organizations, while local law enforcement officials handled criminal aspects of the case, as well as the increased traffic and security problems.

In addition to the direct costs of caring for the animals, costs incurred by The HSUS included renting a large building for the temporary shelter, setting up and running the shelter, treating medical issues, and providing housing and meals for shelter workers.

Carroll County, Virginia Puppy Mill, October 2008

In another case in October 2007, a small community in southwestern Virginia was suddenly confronted with the need to care for more than 1,000 dogs after a local puppy breeding facility's conditions were exposed. In a February 2008 letter sent to Delegate Robert Orrock of the state legislature, the County Administrator said:

"We declared a local emergency and took action in establishing Standard Operating Procedures (SOPs) in getting each animal documented, seen by a veterinarian, setting up phone lines, e-mail addresses, establishing a command post, developing media kits, conducting scores of interviews and dealing with satellite trucks from across the east coast. Not only were we experiencing pressure from the rest of the world, we had 1,100 animals to make sure they were cared for in the best possible way.

During the event, we had many births even in transit from the alleged Puppy Mill to the command center. The volunteer veterinarians from various regions came to our rescue through the call for help by the Commonwealth Emergency Operations Center in Richmond. Along with the professionals, we had assistance from animal rights volunteer groups such as VA PAWS and HSUS plus many humane society(s) and SPCAs from Florida to New York.

The real work to get this project completed took more than two weeks of dedicated efforts by paid staff and volunteers. I bring the elements of the above real-life case to you because if Carroll County had to actually pay for the entire operation to deal with the alleged 'Puppy Mill,' I would estimate the cost at more than \$100,000."

The County Administrator's letter was in support of a bill (that later became law) aimed at preventing puppy mills in Virginia by limiting the size of Virginia breeding facilities and providing other safeguards.

Buxton, Maine Puppy Mill seizure, August 2007 through March 2008

During the closure of a puppy mill in Buxton, Maine that had been found selling sick animals over the Internet, 249 animals were seized and 102 more were born during the subsequent case duration.

Costs included 6 to 7 weeks of sheltering the animals on the kennel property with round-the-clock security. In mid-October, animals were transported to a temporary emergency shelter for an additional 4 to 5 months. The total cost to the state of Maine was approximately \$440,000. Two lead animal shelters, Animal Welfare Society and Animal Refuge League, also fundraised for the effort and brought in approximately another \$30,000, which covered costs that would have likely otherwise been charged to the state.

The \$40,000 spent by The HSUS covered deployment of 5 to 6 volunteers per day for the first six weeks of the case. The HSUS's Maine state director spent approximately 8 to 10 weeks on site daily, and two other HSUS staff assisted as well. The HSUS's Emergency Services sent in a management team for a week-long period, after which it provided at least one responder for a few weeks. Emergency Services also provided a team to set up the temporary shelter and the transport of the animals to the new site. An HSUS large sheltering vehicle was used during the move. Total costs: \$510,000.

The costs of closing down a puppy mill are diverse and include more than just the removal and treatment of the animals. Extensive staff time, including law enforcement staff time, is needed to investigate a facility and document the problems. Dealing with hundreds of dogs is a massive and expensive undertaking. Additional costs to closing a puppy mill facility include:

- Specially equipped trucks for transportation (rental, fuel)
- Hundreds of cages
- Food, water and bowls
- Cleaning supplies
- Waste disposal essentials
- Professional dog handlers
- Veterinary personnel
- Volunteers
- Holding facility (rent, utilities, insurance)
- Legal documentation (including photographs)
- Medical supplies (vaccinations, flea/tick medication, etc.)
- Adoption expenses
- Spay/Neuter surgeries
- Legal expenses (which can be extensive if the animals need to be housed pending court action)

Conclusion

Although the definition of puppy mills may vary, there are some specific characteristics that puppy mills share:

- Emphasis on quantity not quality
- Indiscriminate breeding
- Continuous confinement
- Overcrowding
- Lack of human contact and environmental enrichment
- Poor husbandry (including unsanitary conditions and lack of protection from the elements)
- Minimal to no veterinary care

Millions of dogs and puppies in the U.S. are subjected to these inhumane practices every year. The result is:

- Dogs confined in puppy mills for breeding purposes demonstrate impaired mental health and, as a result, diminished welfare.
- Conditions of the mill environment facilitate the spread of disease and physical harm, resulting in illness and injuries.
- Puppies from puppy mills are frequently sold with an illness (sometimes resulting in death), confined in unhealthy, cramped, and/or crowded conditions, suffer from congenital defects, and have behavioral issues.

- The resale process has an impact on puppy health due to premature separation from mother, potentially hazardous and crowded shipping conditions, and the stress of transport.
- Puppy buyers suffer from a heavy emotional, and financial, toll when dealing with the illnesses, injuries, and behavioral problems as a result of the puppy mill environment and resale process.
- Animal shelters and other organizations who treat and place newly-rescued puppy mill dogs incur negative resource and financial impacts.

Stronger, clearer humane standards, and better oversight of large-scale commercial breeders, especially those that ship puppies sight-unseen to buyers, are necessary to help prevent the suffering that both the dogs used for breeding and their offspring incur in this environment.

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Exhibit 10

Puppy Mills: Facts and Figures

January 2021

10,000	Estimated number of puppy mills in the U.S. (both licensed and unlicensed)
2,460	Number of USDA Class A and B licensed facilities that breed dogs for the pet trade
213,978	Estimated number of dogs kept solely for breeding purposes in USDA licensed facilities
139,086	Estimated number of female dogs kept for breeding at USDA licensed facilities
9.4	Estimated number of puppies per breeding female per year
1,307,407	Estimated number of puppies produced by USDA licensed facilities each year
2.6 million	Estimated number of puppies sold annually who originated from puppy mills – USDA licensed and non-USDA licensed (not all breeders require a USDA license).
25%	Estimated percentage of dogs in animal shelters who are purebred
1.5 million	Estimated number of dogs and cats euthanized by shelters every year in the U.S.
\$4.00 - \$7.00	International City/County Management Association budgeting recommendation, per capita, for animal control programs.
\$500,000	Estimated cost of a puppy mill bust involving 250 animals.



THE HUMANE SOCIETY
OF THE UNITED STATES

Exhibit 11

Petland corporate store found covering up disease outbreaks – an undercover investigation by the Humane Society of the United States

HSUS secret shopper purchased underweight puppy with contagious campylobacter infection; six human cases of the same illness were linked to the same store this year

An undercover investigation by the Humane Society of the United States at the Florence, Kentucky, Petland store resulted in our investigator becoming sick with a campylobacter infection, a bacterial illness that the [Centers for Disease Control and Prevention](#) and the state health department have linked to contact with puppies in Petland stores. Our investigator's illness was at least the sixth human illness linked to the Florence store this year, according to records HSUS obtained from the Kentucky Health Department. At least two of the people who became sick after having contact with puppies from the store, which is owned by Petland, Inc., had to be hospitalized, according to state documents.

And although Petland's leadership was informed of the known human campylobacter cases linked to the Florence store, our hidden cameras found the store was still failing to test or properly treat puppies with [symptoms of the disease](#), which can cause stomach pain, fever, nausea, diarrhea and bloody stools in both pets and people.



A merle goldendoodle puppy (later named Jasper) arrived at the store from an Ohio distributor on Sept. 26, 2019. He was underweight and suffered from frequent diarrhea for weeks, but Petland didn't provide adequate care for his illness. / HSUS, 2019.

In fact, when an HSUS secret shopper purchased a puppy, whom we named Jasper, with obvious diarrhea on Oct. 25, 2019, a Petland manager assured our buyer that the puppy was healthy and that his diarrhea was simply due to stress. The manager told our puppy buyer on hidden camera, "this puppy has had diarrhea [but]

that's not campylobacter," adding that our buyer would have ".002% chance of getting campylobacter from a puppy from here."

The manager also told our buyer that the puppy had had a fecal test to ensure he was healthy. Yet Petland did not provide any proof of a fecal test, let alone a test with a normal result. In fact, our investigator, a different HSUS employee who had been working undercover in the store, documented that the puppy had been sick in the store with the same symptoms for weeks, even though he was sold to HSUS's buyer as healthy.

Despite telling our buyer that Jasper's diarrhea was "not campylobacter" and that her chances of getting the disease from a puppy were a fraction of one percent, the same manager told our undercover employee days later that they do not test most of the puppies in the store for the disease because most of them would test positive for campylobacter.

Immediately upon purchasing the puppy, HSUS took him to an Ohio veterinarian who is not affiliated with Petland. The veterinarian told us Jasper was "skin and bones" and that both his bloodwork and the abnormal appearance of his stool indicated parasites. Test results of samples taken that day showed he was positive not only for campylobacter but for giardia- two diseases that can cause miserable symptoms, and that can be passed on to people as well as pets.

The Petland store's failure to obtain professional veterinary care for Jasper after he became ill is extremely concerning. Florence's animal care ordinance requires commercial animal establishments to "provide proper medical treatment from a veterinarian



Puppies arrived at the Florence Petland store in crowded vans with Ohio and Missouri plates. / HSUS, 2019.

for sick or injured animals¹." HSUS investigators reported our concerns to local law enforcement and provided detailed documentation and video footage.

¹ Florence, Kentucky, [Municipal Code § 91.87](#). A violation of 91.87 is grounds for revocation of the store's operating license. *Id.* at 91.89.

Puppies at the Florence Petland had multiple serious and preventable diseases; some puppies died

Campylobacter was not the only disease harming Petland's puppies. During the time HSUS's undercover investigator worked at the Florence Petland, from September 11 to October 25, there were rampant issues with contagious diseases in the store, including some puppies who were sick for weeks without being taken to a veterinarian, and some who did go to the hospital, but not until it was too late to save them. Highly contagious diseases such as canine distemper and parvovirus – which would normally be prevented by the appropriate puppy vaccines – resulted in the deaths of several puppies while our investigator worked at the store. Instead of warning customers, Petland managers told employees to keep silent about the disease outbreaks, and sometimes kept staff in the dark about the breadth of the outbreaks. Instead, supervisors instructed Petland's kennel staff to enhance their cleaning protocols, and at one point even placed signs on the puppies' cages falsely telling shoppers that the animals had just arrived and could not be handled yet.

In one heartbreaking incident, two puppies had to be euthanized due to deadly canine distemper, and at least three other puppies who had potentially been exposed to distemper were quietly moved to a new Indiana Petland store in the dark of night. Other dogs who had potentially been exposed to distemper were sent “back to their breeders” – or so the Petland employees were told – and were never seen again. The movement of potentially sick puppies across state lines could spread the disease even further.



An HSUS secret shopper purchased “Jasper” on Oct. 25, 2019, after our undercover investigator told us he had been sick for weeks without adequate treatment. A veterinarian who saw Jasper that day found Jasper to be very underweight. He tested positive for giardia and campylobacter, two diseases that are contagious to humans. / HSUS, 2019.

At the same time, many puppies suffered from loose, watery or bloody stools, which can be a symptom of many serious diseases, including parvovirus and campylobacter infections, but many were not taken to a veterinarian for testing to root out the cause.

Starting in mid-October, HSUS's own investigator started to suffer from gastrointestinal issues as well. When the symptoms did not clear up on their own, the investigator went to an urgent care center for treatment on October 19.

After our undercover investigator reported seeing puppies suffer from miserable symptoms in the store for weeks, HSUS decided to intervene and sent another employee as a secret shopper to purchase Jasper, a blue merle goldendoodle puppy, on October 25. Jasper was rarely eating and suffering from near-constant diarrhea. It appears he was never taken to a veterinary hospital for treatment for his diarrhea while in Petland's care, even though his stool sometimes appeared to contain blood or mucus. According to our undercover investigator, he was only observed to have been examined by a veterinarian one time during his three weeks in the store – a perfunctory exam that lasted only 45 seconds. The 45 second examination was a routine intake examination when he first arrived at the store, not the thorough examination that Petland seems to imply in their sales pitches and on their website, where they declare that “healthy pets are our number one priority².” When HSUS purchased Jasper, he had been in the store for about a month and was on sale to the public for \$4,200.

After we purchased Jasper, we had him examined at Rascal Veterinary Hospital³ that same day. The hospital's owner, Dr. Michelle Gonzalez, DVM, determined he had a body score of only 2 out of 9 (a normal body score is 5). She described him as “skin and bones” under his curly coat. Pet store staff told our secret shopper that Jasper was healthy and had been seen by the store veterinarian “every week,” but our undercover investigator reported that to the best of their knowledge, the store's veterinarian only examined him one time, during the 45-second intake “examination.”

Also on October 25, HSUS's investigator received the results of the test conducted at the urgent care center. The results were positive for campylobacter infection. The investigator immediately started antibiotics. When the investigator returned to the store a few days later to report their illness to the general manager, the general manager revealed that she herself and other employees had dealt with campylobacter infections before, but she seemed largely unconcerned. The manager indicated that spraying fecal matter off the cage trays while laughing or talking sometimes causes fecal particles to be inhaled or swallowed by the employees, resulting in illness. She offered to give our investigator a mask to wear while cleaning diarrhea off the puppies' trays, which seemed an inadequate and belated solution.

During the same conversation, the general manager claimed that any puppy they tested would tend to test positive for campylobacter, and that's why the store's veterinarian told them they “can't do anything” about the disease except urge people to wash their hands. An employee training video that the store apparently shows to all Petland employees also downplayed the risks, again focusing on hand washing, not better veterinary care, as a primary way to avoid infection. But the video also displayed a chart showing different abnormal puppy stools the video said could indicate a need for veterinary care. Our investigator never saw the

² Per www.petland.com/about/petland-cares, last accessed on 11/8/19

³ Rascal Veterinary Hospital is in Dublin, Ohio.

chart being used nor any stool samples preserved for testing, even when puppies in the store had profuse, ongoing bloody diarrhea.

After reporting their illness to the general manager, the HSUS investigator took time off to recover. The investigator did not return to the store.

A canine distemper outbreak hidden from the public

When the HSUS investigator first started working at the store in September, a different outbreak was underway. They were taught to clean cages by spraying down the puppy kennels with bleach after first using a disinfectant. The investigator was concerned about using something so strong around very young puppies, but they were told that the protocol was “[only] for this week.” When a customer brought in her very sick Yorkie, the investigator began to realize there was a reason for the exceptionally stringent disinfecting.

Two days later, the HSUS investigator was informed that customers could not interact with any puppies in the store until test results for three puppies suspected of having canine distemper– the customer’s sick Yorkie, a very

sick Pekingese and a husky – were provided by the store’s veterinarian. Petland had already euthanized a goldendoodle puppy the prior week who tested positive for distemper, according to staff.



A very sick puppy in the Florence Petland store was finally taken to the veterinarian, but never returned. Investigators suspected he was taken much too late and did not survive. / HSUS, 2019.

The store put signs on the puppies’ cages reading, “I’ve just arrived and can’t wait until my doctor says I can come out and play!”. The truth was that the puppies hadn’t just arrived; instead, they had all been potentially exposed to distemper – a highly contagious canine disease that kills most of its victims after causing enormous suffering. If a puppy survives distemper, he or she is likely to suffer neurological damage for the rest of their

life.⁴ And store visitors who touched or played with the puppies could bring that illness home to their own pets. Yet Petland kept the outbreak a secret.

Canine distemper can easily be prevented in puppies who are properly vaccinated. But as one employee told our undercover investigator on camera, she believed the breeder who provided some of the puppies had “stopped vaccinating” their dogs. In a store that intermingles dozens of dogs from different breeders in close proximity, this could mean many more animals were exposed to the deadly disease.

When the test results came back for the customer’s sick Yorkie, it was terrible news – the puppy was positive for canine distemper. The puppy was euthanized by Petland’s veterinarian. The results for the Pekingese and husky were also positive for distemper.⁵ The HSUS investigator never saw these puppies again after they left the store for their tests, and was alarmed when a coworker said that all the puppies in the store would be sent “back to their breeders.” The investigator wondered what breeders would do with puppies who had been exposed to distemper. They could infect other puppies back at the breeding establishment, and any transporters carrying the dogs back to the breeders, which were in other states, including Ohio, Missouri and Iowa, could also become contaminated and could spread the illness to other animals – a common reason why pet store puppies are so prone to illness.

On the fourth day of our investigation, the HSUS investigator found empty kennels upon arriving at the store, and was told that all the puppies had been sent back to the breeders except eight puppies– all of whom had been exposed to the distemper-positive puppies and all of whom were now in the isolation room.

Despite the outbreak of distemper, 35 new puppies were ordered for arrival on Monday and Tuesday of the following week. Meanwhile, customers who asked about the store’s now-missing puppies were told that the store was just doing an annual cleaning, when in fact the animals had been moved out of sight because they might be sick. A sign placed on the cages on September 19 read, “Annual kennel maintenance – Puppies coming soon!” Shoppers were not warned about the store’s exposure to disease, and our investigator saw and heard no evidence that the store reached out to recent puppy buyers to warn them their new dogs may have been exposed as well.

One of the kennel technicians told the HSUS investigator that salespeople in the store “messed up” by telling customers the distemper-exposed puppies would be available again after their “annual checkup,” when the puppies were never coming back to the store. Another worker told the HSUS investigator that at the Florence store, “there’s a lot of stuff we don’t know,” indicating that staff members felt they were sometimes kept in the dark about diseases or the outcomes for sick puppies. On yet another occasion, a Petland salesperson told our investigator, “I’m not allowed to know” about test results on sick puppies – indicating that Petland

⁴ <https://www.avma.org/public/PetCare/Pages/Canine-Distemper.aspx>

⁵ According to staff conversations documented by HSUS’s undercover investigator.

sometimes concealed disease outbreaks even from its own staff as a way of keeping information from leaking to the public.

During the same conversation with coworkers, the HSUS investigator also learned that the first puppy to show signs of distemper – a mini goldendoodle – had been left in the window, available for public interaction, for “quite a while” before being moved into the store’s Special Care Center (Petland’s hidden isolation room) and later euthanized.

One of the kennel techs said, “[I] would never get a puppy here.” Yet puppies at the store were offered at very high prices, with many selling for over \$4,000 and some as high as \$14,000.

Puppies from large commercial breeders that sell to pet stores often have genetic defects, and many suffer from contagious diseases

because of improper or ad-hoc veterinary care, and because their brand-new immune systems are no match for the dirty and crowded conditions at puppy mills. The puppies’ immune systems are also stressed by days on long transports as they are moved by brokers (distributors) to pet stores on crowded vehicles, where they are exposed to many other puppies who might be sick. During our investigation, several tiny puppies were sent back to the breeders due to a variety of ailments, including several who had open fontanelles – openings in the skull that could increase the risk of brain injury.



After HSUS purchased Jasper and a veterinarian administered appropriate treatment, he gained three pounds in less than a week. / HSUS, 2019.

Jasper was put up for sale while suffering from two different infectious diseases

When HSUS sent our secret shopper to purchase Jasper on October 25, Petland’s salesperson and the manager declared the puppy was ‘perfectly healthy’ and ‘very healthy’ respectively. Even when the puppy soiled the floor with bloody diarrhea right in front of our secret shopper, Petland’s manager told our buyers that the diarrhea was just due to stress, and specifically stated, “that’s not campylobacter.” When pressed, the manager claimed the puppy’s stool had already been tested, but HSUS could find no record of a stool test ever being performed on the puppy, even when we called Petland’s veterinarian days later to request a copy of the results.

As soon as Jasper arrived at our independent veterinarian's facility, and was properly tested and put on appropriate medications, the veterinarian, Dr. Michelle Gonzalez, reported that his stool became firm, his appetite came back, and he began gaining weight. He gained about 3 pounds in five days. Jasper's response to the appropriate medications as well as his test results indicate he was suffering from an acute illness, and that his weeks of sickness and weight loss could have been avoided if Petland had sought professional treatment when his symptoms first appeared.

After more than two weeks in the hospital, Jasper moved to a foster home, where he continues to improve.

HSUS's investigation of the Florence Petland store shows that Petland's problems with sick and suffering animals, and its failures to adequately address disease outbreaks, are not limited to a few rogue franchises. The corporate store's cover-ups of disease outbreaks, its sale of sick dogs, and its failure to provide professional veterinary care to puppies who were sick for weeks is very similar to the deficiencies we identified [in other investigations](#) in Petland franchise stores in seven other locations in six states.

If pet stores like Petland stopped selling puppies, many breeding dogs in puppy mills would be relieved of their years-long suffering, and puppies born to these breeders would not be shipped hundreds of miles in trucks that can be hot-beds of viral and bacterial infections. Suffering would end for tens of thousands of dogs used by the pet industry.

To get a healthy puppy from a humane source, the HSUS recommends visiting an animal shelter or reputable pet rescue as the kindest option. If buying a breeder puppy, never purchase from a pet store or internet site; responsible breeders want to meet the families who are taking home their puppies. Responsible breeders breed only a few animals at a time, and they don't sell through a middleman or to people they haven't met. For more information about getting a puppy from a humane source, see humanesociety.org/puppy.

Timeline of Jasper's and investigator's illnesses

- 9/26/19: The merle goldendoodle puppy arrived at the Florence, Kentucky Petland store on a broker van from "Preferred Canines" in Ohio. Paperwork showed he came from a breeder in Ohio named David Wengerd.
- 9/27/19: Jasper received a 45-second intake examination at Petland from its affiliated veterinarian, who visited the store to examine the new puppies. HSUS's undercover investigator filmed the examination from start to finish. It lasted under a minute and no stool sample was taken.
- 10/7/19: Staff noticed Jasper was very thin, according to the HSUS investigator. The puppy was not gaining weight and had whitish material in his diarrhea. Staff separated the dog for mealtime to make sure he ate, demonstrating that they were aware he was unwell.

10/8/19: Our undercover employee hand-fed Jasper to try to get him to eat more, as it was well known among the kennel staff that he was thin and rarely ate. He was still suffering from ongoing diarrhea. Pumpkin and probiotics were added to his food, but he was not taken back to the veterinarian.

10/9/19: Our undercover investigator asked Petland's kennel staff about Jasper's diarrhea. They were told that he was just skinny and that his diarrhea was caused by stress. There was no indication that a stool sample was provided to the store's veterinarian for testing.

10/10/19: The undercover investigator observed that the puppy still had a lot of diarrhea with what appeared to be blood and mucus mixed in his stool.

10/16/19: The puppy still had profuse diarrhea and was still up for sale. He was marked down 25%. At around this time, HSUS's investigator began to experience stomach upset, too.

10/18/19: Jasper was still being separated during feeding time to encourage him to eat more. Staff were aware that he still had a poor appetite.

10/19/19: HSUS's investigator went to urgent care because of ongoing gastrointestinal distress. The urgent care center sent the investigator's samples to a lab for testing the following day.

10/22/19: The undercover investigator and other Petland staff noticed Jasper still had liquid diarrhea. On this day, it was smeared all over the floor and walls and Jasper was soiled and required a bath. Our investigator again asked an employee what could be done about his diarrhea. The employee said it was just stress and that sometimes de-wormers cause animals to have blood in their stool.

10/25/19: Jasper was still for sale to the public and was still suffering from bloody diarrhea. HSUS sent an employee as a secret shopper into the store to purchase him. The puppy had bloody diarrhea right in front of our secret shopper. Nevertheless, our hidden camera recorded both the sales staff and manager telling our secret shopper the puppy was healthy. When the shopper asked if the puppy had had a stool sample tested, the manager claimed that he had, and that Petland's veterinarian had the record⁶. After paying nearly \$4,000 for the puppy, our secret shopper took him straight to a veterinarian.

On the same day, October 25, HSUS's undercover investigator received their test results from the laboratory. The investigator tested positive for campylobacter infection. They were the second HSUS investigator to become ill with campylobacter after working undercover at a Petland store in 2019. To protect their health, the investigator did not return to work at the store.

Our veterinarian said Jasper was "skin and bones," likely as a result of his nausea and diarrhea, and that his bloodwork and the appearance of his stool indicated parasites. She sent Jasper's samples to a

⁶ Our investigator called Petland's veterinarian the following week and was told they could not find any record of a fecal test on Jasper.

laboratory. In the meantime, he was immediately put on medication for suspected gastrointestinal parasites.

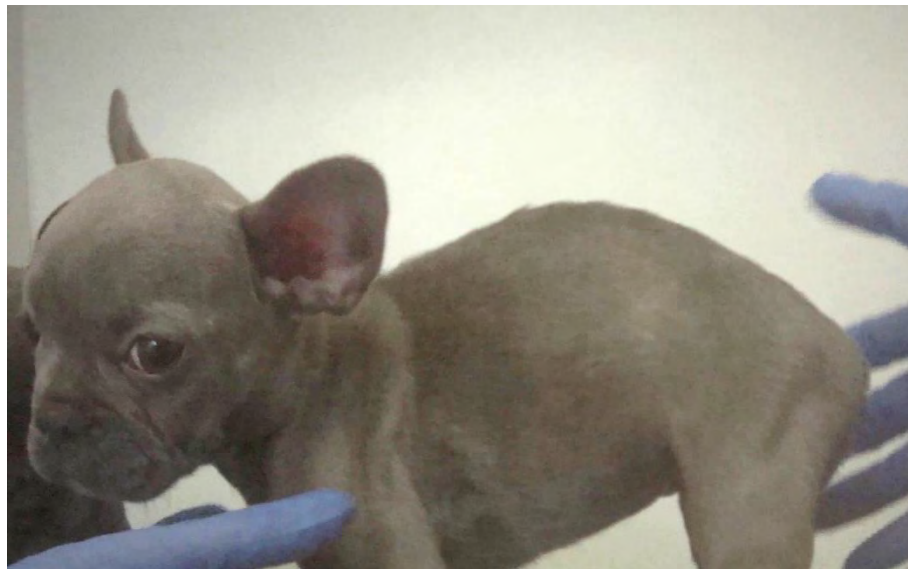
10/29/19: Independent lab results revealed that Jasper tested positive for giardia and campylobacter, two contagious diseases which could explain the diarrhea and poor appetite that he suffered from for weeks at Petland, and that our investigator was exposed to. By the time the test results came in, Jasper had been on medication for several days. He had already gained three pounds and his diarrhea almost immediately improved.

Exhibit 12

Undercover investigation of Petland in Frisco, Texas, finds underweight and sick puppies; sick rabbit left to die

Seventh Petland investigation in less than 12 months by the Humane Society of the United States exposes disturbing pattern of poor treatment

A three-week undercover investigation of the Frisco, Texas Petland store (July 17-August 8, 2019) found underweight puppies, very sick puppies who were force-fed or given ad-hoc remedies for a week or more instead of being



Photos, page 1 and 2: some of the puppies were noticeably underweight and suffered from a lack of appetite, vomiting and diarrhea. Credit: HSUS, 2019.

taken to a veterinarian immediately, ailing puppies who were sent back to their seller rather than receiving prompt care and treatment, and a sick rabbit who was left to die instead of being taken to a veterinarian. Employees also discussed placing dying animals in the freezer, possibly while still alive. Our investigation ended abruptly when the HSUS's investigator became ill and was diagnosed with campylobacter, a zoonotic bacterial illness that a recent Centers for Disease Control and Prevention [investigation](#) linked to contact with sick Petland puppies.

The Frisco Petland store was the seventh Petland store the HSUS has investigated undercover in less than a year. At every store, we found sick puppies in back rooms, and at five of the

stores, including the Frisco, Texas and Tyler, Texas stores, we found dead pets in the stores' freezers¹.

Sick puppies were documented at the Frisco, Texas Petland store from the first day of the investigation to the last day of the investigation.

Many puppies, transported hundreds of miles to the Frisco Petland store from puppy mills in the Midwest, had bloody diarrhea or were vomiting, coughing, sneezing or lethargic, and several were visibly underweight.



The Petland Frisco store returned several puppies to their breeders – a long and miserable trip for such young animals – when their illnesses or injuries were deemed to be beyond what the store owner was willing to treat, despite Petland's website's claim that "every puppy finds a home" at Petland and that animal welfare is its top priority.

Kennel staff, who had no apparent veterinary training, routinely force-fed sick puppies or gave medications directed by the kennel manager or the store's owner, who was seen on camera directing sick puppies to be given back-room remedies, such as probiotics or cough syrup, rather than having the puppies taken immediately to a veterinarian.

Despite numerous puppies with bloody diarrhea and other illnesses, we saw no evidence that the Petland store was sending fecal samples for testing in order to correctly diagnose sick puppies; instead, our investigator observed that they provided ad-hoc care in house, sometimes for more than a week. If puppies recovered and were sold, the new owners were not always told their puppies had recently been sick.

The investigation also revealed once again that Petland was purchasing from problematic dealers, including Justin Jackson of Clifton, Kansas, who has appeared in multiple HSUS Horrible Hundred reports on problem breeders (most recently in 2017); and Pinnacle Pet, a high volume Missouri distributor cited with a U.S. Department of Agriculture violation in

¹ Some ex Petland employees have claimed that sick animals were sometimes put in Petland's freezers to hasten their deaths.

2018 for a sick puppy who hadn't received adequate medical care, and another violation in 2015 when nine puppies died as a result of being left in a hot vehicle².

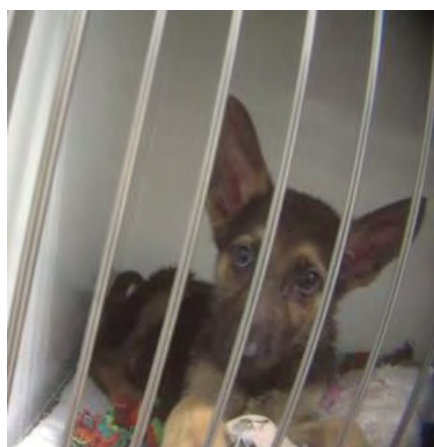
The HSUS investigator working at Frisco Petland began to feel sick after working in the kennel area for more than a week. On August 7, 2019, an urgent care facility informed the investigator they had tested positive for campylobacter, an infectious bacterial disease. The HSUS immediately pulled the investigator out of the store, contacted the Denton County and Collin County Health Departments and the Texas Department of State Health Services and then contacted Frisco Animal Services to report that puppies at the Frisco Petland were not being given proper veterinary care and might be infected with campylobacter.

Following our investigation, Animal Services visited the store, and reportedly documented violations of the city animal ordinance and issued citations³.

Quotes and photographs from the investigator's log

July 17 (day one of the investigation): The investigator wrote, *"From the trays that I cleaned, most of the puppies had diarrhea and I did not observe any normal stool."*

Also, on day one, the investigator discovered a female golden retriever puppy who was squinting as if in pain and had a swollen right eye, and a German Shepherd puppy who had a head tilt. It appears these puppies were not treated for these conditions and both were eventually shipped back to their suppliers for a refund instead.



A German Shepherd pup with head tilt and a golden retriever with apparent untreated eye infection were later sent back to their suppliers. Credit: HSUS, 2019.

² It appears that Pinnacle/Sobrad may have contested both reports; for unknown reasons, the records of both violations were later removed from the USDA's website.

³ As the case was still open at the time this report was written, the HSUS was not able to obtain specific documents detailing the nature of the citations, but verified that citations were issued based on verbal discussions with law enforcement.

July 18 (day two of the investigation): The investigator wrote, *“I observed the Weimaraner puppy as lethargic and underweight.”* [Photo, page 2].

The investigator added:

“I checked on feces throughout the day, but one kennel that stood out had one white French

bulldog and two blue French bulldogs. The puppies had diarrhea 5-7 times during my shift. I bathed the male blue French bulldog after the last bowel movement because he had defecated on himself.”



Top photo: A diarrhea-filled tray from French bulldog puppies. Credit: HSUS, 2019.

Bottom photo: Three sick French bulldog puppies. Credit: HSUS, 2019.



July 19 (day three of the investigation):

The HSUS investigator was shown a weak and injured rabbit lying in a box.

Speaking with a cashier who had brought the animal to the back room, the investigator asked

what happens to ailing animals who don't get better, and the cashier said, “Um, they freeze them. So don't look in the freezer [if] you're grossed out by dead things.”



The rabbit was left in the cardboard box, and it appears he was never taken to a veterinarian for diagnosis, treatment or humane euthanasia. Our investigator later documented his dead body in the store's freezer.



Top photo: A rabbit who can't stand or hop or hold his neck up was left in a cardboard box. A worker told the HSUS investigator that there were no plans to take the rabbit to a vet and that when animals don't get better, "They freeze them." She added, "Don't look in the freezer. Dead animals." Credit: HSUS, 2019.



Bottom photo: The investigator later found the rabbit, dead, in a black plastic bag in the pet store's freezer. Credit: HSUS, 2019.



The investigator also noted:

“[We] picked up two white French bulldog puppies from the kennel area to place in the chamber for nebulizer treatment. The French bulldog with the lop ears had heavy mucus and drainage from the nostrils. The puppy also had heavy, raspy breathing.”



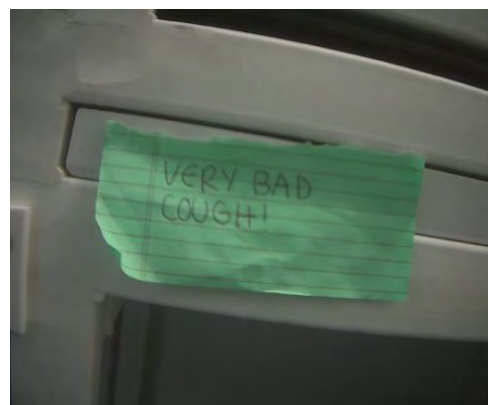
Two sick French bulldogs with upper respiratory infections. Credit: HSUS, 2019.

July 20 (day four of the investigation): The HSUS investigator found a newly-arrived sick soft coated wheaton terrier who had been left in the isolation cage all night without water and with a note on the cage that read “Very Bad Cough.” The investigator noted, *“When I moved the puppy to a different kennel and gave the puppy water, the puppy started drinking immediately...”*



Right photo:
“Very Bad
Cough” note on
Wheaton
Terrier’s cage.

Left photo: A
Wheaton
Terrier denied
water since July
19th. Credit:
HSUS, 2019.



July 22 (day five of the investigation): The investigator wrote, “I observed that the Weimaraner puppy was no longer in the store. [My co-worker] stated that the puppy had been sold over the

weekend ... Across from the Chihuahua, [three French bulldogs] were in the top kennel. All three dogs appeared to have some respiratory distress and were coughing/sneezing.”

July 23 (day six of the investigation):

The investigator noted that three white French bulldog puppies are still sick but apparently have not been taken to a veterinarian.



July 24 (day seven of the

investigation): The investigator noted that the sick white French bulldog puppy from the sales floor was put into the cage with the other three sick pups. About another puppy, the investigator wrote: “While cleaning kennels, I opened a kennel that contained four smaller breed puppies that had arrived yesterday.



A white Maltese mix puppy was lateral and lethargic in the kennel. I stood the puppy up, but the puppy fell over. I checked capillary refill time which was at 2+ seconds and the gums were very pale. ... [My coworker] stated that the puppy was ill due to low blood sugar and that it was not necessary to see a veterinarian. ... I observed that there were three Cavalier King Charles Spaniel puppies in a kennel having loose, bloody stool, and one puppy’s left eye was squinting and watery.”

July 25 (day eight of the investigation): The HSUS investigator located the body of the previously-mentioned sick rabbit in the freezer, wrapped in a black bag (photo, page 5).

After checking on the puppies, the investigator wrote: *“The Cavalier King Charles Spaniel puppies were having loose, bloody stool twice today. The smallest Cavalier puppy’s right eye was still watery and appeared to be squinting. I observed that the Maltese mix puppy that was sick yesterday was moved back to the sales floor. The Maltese puppy was still lethargic and had pale gums, with a capillary refill time of approx. 2 seconds. The Yorkie puppies that had not been eating over the last few days were on the sales floor. Throughout the day, the Yorkie puppies were lethargic and not eating.”*

Photo: Two sick Yorkie puppies who have not been eating are put on the sales floor. Credit: HSUS, 2019.



July 26 (day nine of the investigation): The investigator wrote, *“The golden retriever puppy is still in isolation (Day 10 in isolation) and the eye still appears to be painful... In the isolation room, the two small Yorkie puppies are being housed due to not eating, being underweight, and being lethargic. Based on a WhatsApp message from [the kennel manager], the smaller Yorkie puppy must be force-fed every day... I observed several [sick puppies] taken out by Sales Reps to meet customers on the sale floor, including the Maltese mix puppy that had collapsed, the Shiba Inu puppy that has been sneezing, [the] Siberian husky with bloody stool [and the] Cavalier King Charles puppy with bloody stool seen yesterday.”*



Photo: Day 10 in isolation for a sick golden retriever puppy who has not been treated by a veterinarian. She was returned to the breeder on July 29, 2019, without any known eye treatment. Credit: HSUS, 2019.

July 27 (day ten of the investigation): The investigator wrote, *“Three puppies were being force-fed every two hours [including] the two Yorkie puppies in isolation, the singular puppy housed outside of isolation, and the Pomeranian puppy. The Pomeranian puppy had fallen ill yesterday ... and appeared to be very lethargic [today]. I observed [my coworker] force-feeding the Pomeranian puppy several times today. [Another kennel tech] stated that she had thought that the Pomeranian and the smaller Yorkie puppy would pass away overnight due to their sickness.”*



A sick, lethargic Pomeranian puppy was force-fed because he would not eat. The puppy later disappeared from the store and the HSUS investigator could not determine what had happened to the puppy. Credit: HSUS, 2019.

July 29 (day 11 of the investigation): The investigator noted: *“The [soft-coated wheaten terrier] was at the back of the store with a wet hacking cough. The puppy had previously been separated due*

to a cough [but] once physical symptoms subsided, [he] was put back on the sales floor. The puppy is now sick [again] with a cough. I also observed that the Yorkie puppy had a cough. The four French bulldog puppies sounded very congested. The smaller Yorkie puppy that [has] been [in] isolation for some time was still not eating very well, [was] lethargic and had pale gums... In the morning, the [sick] tricolor Shiba Inu was housed with the cream Shiba Inu [who was sold later in the day]. Several puppies in different kennels were having very loose stool, including a Siberian husky with mucus and blood in the stool. [Another sales rep] took two dogs out to meet customers that had been sick...one of the dogs, a cream French bulldog, was currently sick. The [puppy] appeared to be congested and was wheezing... I also observed [my coworker] holding the Dogue de Bordeaux by the front legs while walking.”



A worker hauls a Dogue de Bourdeaux puppy by his front legs. Credit: HSUS, 2019.



A sick Siberian husky was one of many puppies who had blood and mucus in his stool. Credit: HSUS, 2019.

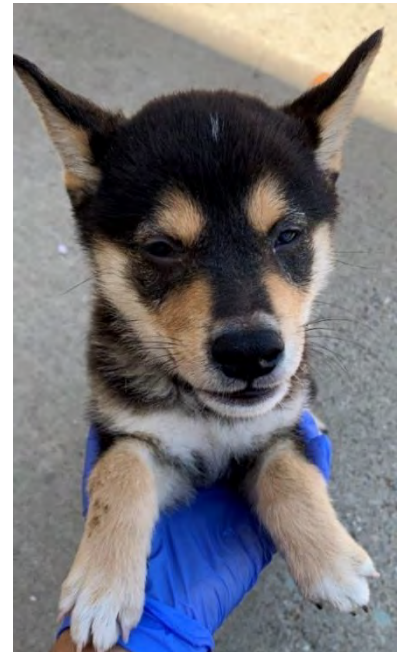


Left: A Yorkie puppy was so sick that his head had to be propped up.
Credit: HSUS, 2019.

July 30 (day 12 of the investigation): On Tuesdays of each week, new puppies arrived at the Frisco, Texas Petland store. When the investigator arrived on this Tuesday morning, 30 new puppies had already arrived, making for a total count of almost 100 puppies in the store. About the puppies already in the store, the HSUS investigator wrote *“The tricolor Shiba Inu puppy [has been] losing weight, was lethargic and not eating. ... The puppy appeared to have a very soft, fluid filled abdomen. [The kennel manager] stated that she had force-fed a lot of water and Pedialyte to the puppy... [who had] both nasal and ocular drainage,*



loose stool and tacky gums... [but that she] was not taking the puppy to the veterinarian yet... [The sales manager] came into the store at opening and [looked] at the Yorkie puppy that had had a persistent cough. [He] confirmed that the puppy had only a cough and the puppy was sold later in the day.”



Photos:

Above: A sick Yorkie was sold on July 30, 2019. Credit: HSUS, 2019.

Right: A sick Shiba Inu was having trouble breathing. Credit: HSUS, 2019.

July 31 (day 13 of the investigation): The investigator wrote:

“I observed that the Siberian husky was lethargic and had blood/mucus in soft stool. I alerted [my coworker] and moved the puppy in order to clean the kennel properly. ... The Shiba Inu puppy was still very lethargic and I did not see any stool in the kennel. The Shiba Inu puppy still had nasal and ocular drainage.... [My coworker] force-fed water to the Shiba Inu puppy. The sick Siberian husky was sold to a customer later in the day... I overheard a conversation between [the sales manager and two sales reps] about a customer that had bought a dog who had gotten sick. [The sales manager said] the customer threatened to go to the paper.”

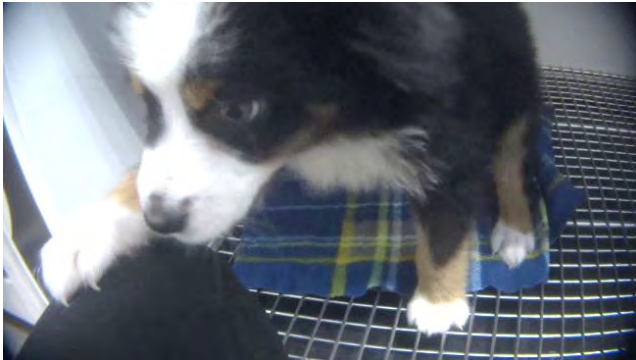


This sick Siberian husky was sold to a customer on July 31, 2019. Credit: HSUS, 2019.



The sick Shiba Inu was still being force-fed and force-hydrated but had not seen a vet. Credit: HSUS, 2019.

August 1 (day 14 of the investigation): The investigator wrote, “Upon my arrival, I checked on the sick, tricolor Shiba Inu puppy who had redness in his eyes, was lethargic, not eating [and was] underweight.... I also observed that the small Yorkie puppy had still not eaten. [My coworker] stated that the puppy had not eaten [for] approximately 5 days and they had been force-feeding the puppy.... Later in the day, a customer was interested in meeting the mini-Australian Shepherd that had been in isolation for a cough. [A kennel technician told the sale rep that] the puppy had 3 days of medication left. [The sales rep] took the mini Australian Shepherd out to the sales floor to meet the customer and sold the puppy.”



A sick Mini-Australian shepherd with a bad cough who is not on the sales floor is taken from the cage and sold. Credit: HSUS, 2019.



A sick Yorkie who has not eaten for five days is force-fed a gruel by syringe. After just one syringe he turns to hide in the corner of his cage. Credit: HSUS, 2019.

August 2 (day 15 of the investigation): The investigator noted that the small Yorkshire Terrier was still very sick and had not been thoroughly examined by a veterinarian. According to a kennel tech, a veterinarian had been to the store and had given the Yorkie a shot, but the kennel tech told the HSUS investigator that the puppy needed more care than was given. “Later in the day, [my coworker] stated that she needed to force-feed the small Yorkie puppy again. [She] continued to force feed [the puppy] a mash of kibble, water, and chicken breasts [and] then stopped and stated that the heart rate for the puppy was very fast. I felt the heart rate for the puppy, which was very fast, and I was unable to get an accurate count. The puppy was shivering and appeared to be very skinny (I could feel all the ribs; approximately 3 out of 9 body score).... I observed that some new dogs were coughing like the

Shetland Sheepdog, a brown/white shih tzu, a brown shih tzu, one of the black/white akitas, and a goldendoodle (on the sales floor). ... The tricolor Shiba Inu puppy was still in isolation and appeared to be lethargic throughout the day. The puppy still had nasal drainage and did not eat.”



Photo: This sickly Yorkie was shivering and had a rapid heartbeat while being force-fed. Credit: HSUS, 2019.

August 3 (day 16 of the investigation): The HSUS investigator observed a common sight in the Frisco Petland kennels – abnormal stools from new puppies and those who had been there for days. To the best of our knowledge, during our investigation, Petland never once took fecal samples to have them tested at a veterinarian’s office for an accurate diagnosis. Kennel staff were simply instructed to give Drontal Plus, a dewormer, and Pro-Pectalin, a probiotic, to the pups.

“I started to clean the kennels and observed that the small, brown shih tzu was lying in a corner of the kennel. I observed that [the] gums were very pale, and I let [other staff] know. ... Later in the day, I observed the shih tzu to be very lethargic. When I removed the puppy from the kennel, I observed very dark feces stuck in the fur on the hind end. The feces appeared to be very green. The [owner of the store] stated that I should force-feed some water and give probiotics. [A kennel tech] also gave Drontal-Plus and Pro-Pectalin. ... A [sales rep] sold a Pomeranian today. Once the Pomeranian was placed in a kennel, I observed soft, bloody stool. [A kennel tech] gave the puppy Drontal-Plus and Pro-Pectalin. The puppy was also scooting on the hind



end. [The sales rep] stated that unless the puppy was currently on medication, the buyer does not need to know that the puppy was having loose, bloody stool.”

Photo:

The kennel manager lifts up a sick Pomeranian puppy who has just been sold to make sure he does not have diarrhea on his fur. The puppy had soft, bloody stool but was sold anyway. Credit: HSUS, 2019.

Photo: The HSUS investigator found a brown shih tzu puppy lying in his cage and covered in greenish feces. He is being force-fed Drontal-Plus and Pro-pectalin – which the investigator says was given to all sick puppies regardless, without any testing. Credit: HSUS, 2019.



August 5 (day 17 of the investigation): The investigator wrote: *"I immediately noticed that the small shih tzu puppy [appeared] to be lethargic and underweight. I later observed the puppy straining to defecate for some time and then observed blood in the stool. A short while later, I observed blood droplets in the tray under the shih tzu puppy and nasal drainage and drool with blood in it. ... I observed that the tricolor Shiba Inu puppy appeared to be more lethargic than my last shift at the store. The puppy was very low energy, had red-tinged*

eyes, dry nose, dried drainage on the nose, eye drainage and was very underweight. ... I observed that the cream Shiba Inu puppy that had been sold last week now had a hacking cough. A note on his kennel stated that the owner would be picking the puppy up tomorrow, 8/6. I advised [the kennel tech] that the puppy was coughing. [She] stated that the new owner will take the puppy to the doctor tomorrow, that Petland pays for [it]. [She] stated that we did not have to tell the new owners of the cough because the doctor will know that the puppy has a cough. [The kennel tech also] mentioned that the owner may not want the puppy anymore."

Photo: A sick shih tzu with blood and mucus discharge. Credit: HSUS, 2019.



August 6 (day 18 of the investigation): The HSUS investigator brought two puppies out to a transport van on orders of the Petland store owner. One was a very sick Yorkie who was kissed goodbye by the investigator's coworker, who was on the verge of tears. About the other puppy put in the van the investigator wrote: *"[The store owner] stated that he would be taking a blue/white, French bulldog back to the breeder and would get credit with the breeder. [The store owner] stated that the French bulldog had a grade 2 heart murmur. ... The isolation room*

contained two blue, female, French bulldogs (ID #'s: 23669 and 23671), a black/white, male akita (ID #23500) for congestion, and the tricolor, male, Shiba Inu (ID #23582). The two French bulldogs were placed in the nebulizer today for congestion. The French bulldog (#23669) had excessive nasal drainage and was very underweight. [A kennel tech] later put the male akita (#23500) into the nebulizer for treatment. I did not observe any treatments to the tricolor, Shiba Inu (#23582), but the puppy appeared to be underweight, lethargic, red eyes, and had nasal drainage. The Shiba Inu was noted to have some stomach pain on 7/25/19, then moved to isolation on 7/29/19. Today was day 9 in isolation.”



A sick French bulldog was given human cough syrup. The same sick Frenchie was also visibly underweight. Credit: HSUS, 2019.

August 7 (day 19 of the investigation): A representative from Petland Corporate showed up at the Frisco, Texas store. The investigator was told by the lead kennel tech to make sure to use hand sanitizer on her gloves between cleaning each individual kennel – a practice that was not in place prior to the corporate representative’s visit. There were many sick puppies during the visit by the



Petland Corporate representative. The HSUS investigator wrote, “The [corporate representative] later stated that she would like the Rottweiler puppy to be moved off the sales floor because he was underweight. ... I also observed [a sales rep] take one of the four white French bulldogs out to the sales floor to meet a customer. [This bulldog had previously been sick].”

Photo: The Petland Corporate representative requested the store remove an underweight Rottweiler puppy from the sales floor. Credit: HSUS, 2019.



Photo:

A previously sick French bulldog, not yet on the sales floor, is taken out to meet a potential buyer.

Credit: HSUS, 2019.

August 8 (Last day of the investigation):

The HSUS investigator, who had been experiencing health problems for more than a week, was notified by their

local urgent care center that they tested positive for campylobacter bacteria. The investigator notified the store owner and managers about their illness before leaving to pick up their medications. When the investigator expressed concern for the health of the puppies and the other workers in the store, the store owner said he would contact Petland's corporate office to determine next steps. It was the investigator's last day of employment at the store.

Exhibit 13

66 o/c
nah

29 JAN 1974 10 01 AM. The term "goods or products" is defined in the Uniform Commercial Code (UCC) (1952). D.S. (1966) and the Uniform's 1973 Supplement (1973), the term "goods" is defined as "all tangible things, including fixtures, four corners and as a limited exception, Commissioner Pittle (S) (S)

Beatrice Pitkin, Office of the General THRU: Michael A. Brown
Counsel General Counsel
Pet turtles

This is in reply to your request of January 18th that this Office advise whether the Commission has legal jurisdiction over pet turtles. A review of the legislative history of the Consumer Product Safety Act and other appropriate legal literature reveals no hint that the Commission is precluded from exercising jurisdiction over pet turtles or other non-food animals. Therefore, we assume that the Commission may regulate the interstate sale of pet turtles as consumer products.

Section 3(a)(1) of the Act defines a consumer product negatively, by specifying what a consumer product is not. The Act merely states that, beyond the specified exceptions, "The term consumer product means any article..." The legislative history of the Act is silent as to a special Congressional meaning of the word "article"; so that unless it is concluded that "article" must refer to an inanimate object, it cannot be said that there was an intent to exclude live pets which meet the other elements of the definition of consumer product -- that is, an article produced or distributed for sale to a consumer, or an article for personal use or enjoyment of a consumer.

Other definitions of "article" were examined. Webster's Third New International Dictionary, Unabridged, (1966) defines "article" as,

- "[1] one of a class of material things
- [2] piece of goods
- [3] a thing of a particular class or kind..."

Black's Law Dictionary, Rev. 4th Ed. (1968) defines "article" as,

- "[1] a particular object or substance, a material thing...
- [2] material or tangible object
- [3] 'Thing' of value..."

Without undertaking a theological discussion of material things or tangible objects, the foregoing definitions do not appear to exclude animate objects. A further search for an applicable definition of "article" (in the legal encyclopedia Words and Phrases (W&P)), led to definitions of "goods", "personal property", and "chattels", which were inconclusive as to the

7/

status of pet animals. "The term 'goods or articles' includes a horse", is a statement found at 4 W&P 490 (1969). At 18A W&P (1956) and that volume's 1973 Supplement (p.32), the term "goods" is defined as inanimate in four cases and as animate in three -- although it appears that animals which are referred to as goods or chattels are usually livestock or beasts of burden.

Livestock are, of course, exempt from the Act as food. Beasts of burden may be exempt because they are not customarily produced or distributed for sale to, or enjoyment of consumers. Pet animals, however, were not referred to in the literature examined; thus it does not appear that the status of a pet animal as an article has been determined in the precedents.

It would appear that a pet turtle has cleared the initial hurdle of classification as an article. Such turtles are more frequently raised in ponds on turtle farms rather than caught in the wild or they are imported. Thus, they are customarily produced or distributed for sale, or for personal use or enjoyment. They are not products excluded from section 3(a)(1); therefore, the Act permits pet turtles to be termed consumer products.

The exceptions of section 3(a)(1) list specific articles which may not be called consumer products. Section 31 on the other hand, states that certain articles which are consumer products may nonetheless not be regulated by the Commission. Where the risk of injury associated with consumer products may be sufficiently reduced under other laws, the Commission may not exercise jurisdiction, although there is an implication that such jurisdiction might be reasserted if the Commission believes its remedial powers are necessary to reduce such unreasonable risks "...to a sufficient extent...".

The section 31 limitations to the Commission's jurisdiction cover products which have been regulated under the Occupational Safety and Health Act, the Atomic Energy Act, the Clean Air Act, and radiation hazards associated with electronic products which are regulated under the Public Health Service Act at 42 U.S.C. 263b et seq. Section 31, where Congress clearly delineated the limits of the Commission's jurisdiction in terms of pre-existing laws, would have been the logical place to also limit its jurisdiction over pets. If Congress had desired, it could have limited Commission jurisdiction by using another portion of the Public Health Service Act found at 42 U.S.C. 264 et seq., under which regulations to control communicable diseases are promulgated by the Department of Health, Education and Welfare (HEW).

This portion of the Public Health Service Act was the basis for HEW regulations controlling the sale of certain pet turtles in order to reduce the incidence of turtle-related diseases like salmonellosis. Among other things these regulations, published at 37 FR 24670, Nov. 18, 1972, prohibit the importation of pet turtles and provide for bacteriological testing of turtles in interstate commerce.

Although the jurisdiction of HEW over diseased pet turtles is not at issue, the jurisdiction of HEW's Food and Drug Administration (FDA) over pet turtles has been denied by FDA in the past. In response to a query from Consumers Union, an FDA official stated in a letter of January 29, 1971 that, "Turtles and other pets do not fall under the purview of the Federal Food, Drug and Cosmetic Act."

Analysis indicates that the commission has jurisdiction over pet turtles; jurisdiction of the Commission over diseased pet turtles, concurrent with HEW, arises out of section 2(b) of the Act which states that one of the Act's purposes is to promote research and investigation into the causes and prevention of product-related illnesses (like salmonellosis), as well as product-related deaths and injuries.

Accordingly, since it does not appear that the Act, either by definition, exception, limitation, or inference, addresses the matter of excluding animate consumer products, it is our conclusion that pet turtles are consumer products and subject to regulation by the Commission.

DISTRIBUTION:

Chairman Simpson
Vice Chairman Franklin
Commissioner Newman
Commissioner Kushner
Office of the Secretary

BPitkin:jh 1-29-74

cc: Pitkin

gc file

gc chron

gc reading

Copy sent to Jim Brodeur, Consumers Union

Exhibit 14



#311

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D. C. 20207

April 16, 1990

OFFICE OF THE
GENERAL COUNSEL

Mr. Bernie Reamer
Legal Assistant
Richard H. Powell, P.A.
P.O. Drawer 2167
92 Eglin Parkway, N.E.
Fort Walton Beach, Florida 3254902167

☒ Cleared
4/30/90
☒ No Mfrs/Prvtlblrs or
products identified
- Excepted -
Firms Notified,
Comments Processed.

Re: Your Clients: Randy and Sharon Carpenter

Dear Mr. Reamer:

This is in response to your letter dated March 15, 1990 concerning an incident that involved a wolf-hybrid dog. You noted that a CPSC advisory opinion issued in 1974 (No. 78) concluded that pet turtles are consumer products under the Consumer Product Safety Act ("**CPSA**"), 15 U.S.C. 2051 et seq., and you inquired whether any other animals would be considered consumer products.

It is the view of the Office of the General Counsel that a wolf-hybrid dog would not be a consumer product under the CPSA. We have re-examined the 1974 opinion concerning pet turtles, and believe that Congress did not intend to include live animals, as such, within the definition of a "**consumer product**," subject to the CPSA.

The statute defines a consumer product as "**any** article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise...." The 1974 opinion focused on the word "**article**" used in the statutory definition of the term "**consumer product**," rather than on the concept of "**product**," which is also included in the statute and must be considered in this inquiry. 15 U.S.C. § 2052 (a) (1).

Upon reconsideration, it is not clear whether the term "**article**" includes or excludes turtles; however, the use of the

ADVISORY OPINION

term ****product**** would seem to connote something processed or manufactured. See generally Black's Law Dictionary (5th ed. 1979) (referring to products as ****goods produced or manufactured either by natural means, by hand, or with tools, machinery, chemicals, or the like****). From this definition, it appears that living animals, as such, are not consumer products. It is conceivable that an animal somehow subjected to processing could be a consumer product. However, we do not now decide that issue, as a determination in such a case would depend on the particular facts presented.

There is no indication in the legislative history of the CPSA that Congress intended to include pets or other animals within the definition of ****consumer products****. We are unable to find any reference to pets in the legislative history. Rather, the products that Congress did single out are such things as architectural glass, televisions, furnaces, bicycles, infant furniture, power tools, lawnmowers, and other manufactured goods. 118 Cong. Rec. H8568 (Sep. 20, 1972) (statement of Rep. Staggers). The Report of the House Commerce Committee expressed concern with ****product-related injuries****. See, e.g., House Report at 21. The House Report frequently refers to the impact upon, and participation of, ****industry**** and ****manufacturers****. See, e.g., House Report at 26. Use of these terms supports the view that Congress was not thinking of items that are not capable of being manufactured or processed, such as live animals, when it devised this legislation. See also 15 U.S.C. § 2051 (a)(4). Similarly, the floor debates on the legislation and later proposed amendments also support this interpretation. See 118 Cong. Rec. H8566 (Sep. 20, 1972) (statement of Rep. Staggers) (discussion of participation by ****industry****); 118 Cong. Rec. S9930 (June 21, 1972) (statement of Sen. Eagleton) (discussion of ****manufacturing defects****); 121 Cong. Rec. H7780 (July 29, 1975) (statement of Rep. McClory) ("My understanding is that it deals with products, that is, manufactured products").

Provisions of the statute itself support the view that Congress intended the CPSA to apply to items that are manufactured or processed, rather than to live animals as such. For example, section 15 of the CPSA establishes a system of notification if a consumer product presents a substantial product hazard. The section places responsibility on every person involved with the product in the chain of commerce. The statute divides the chain of commerce into the categories of manufacturers, distributors and retailers. 15 U.S.C. § 2064. As these terms are defined in the CPSA, distributors and retailers must be persons "to whom a consumer product is delivered or sold." 15 U.S.C. § 2052(a)(4) and (5). Thus, since all

distributors and retailers must receive the product from someone else, all products must originate with a manufacturer, which is the only other category in the chain of commerce.

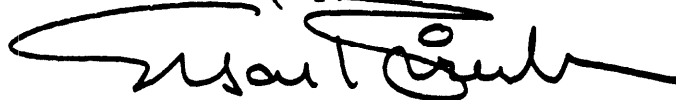
A ****manufacturer**** is **"any person who manufactures or imports a consumer product."** Id. § 2052(a)(4). The term ****manufactured**** is defined as **"to manufacture, produce, or assemble."** Id. § 2052(a)(8). As the intent of section 15 is to include **all** persons in contact **with** a consumer product through the chain of commerce, and as this chain originates with a ****manufacturer,**** it follows that a live animal that has not been manufactured or processed in some manner is not included within the term ****consumer product.****

The Final Report of the National Commission on Product Safety (**"Commission Report"**), which was the foundation for the CPSA, lends further support to the view that live animals should not be considered ****consumer products**** within the CPSA. The Commission looked at injury statistics for such products as appliances, home furnishings, home fixtures, recreational equipment, heating devices, home tools, cleaning products, clothing, cosmetics, and pesticides. Commission Report at 10, table 1; and 37-45. Many other types of products were examined, but not live animals. Commission Report at 9-36. And, as with Congress, the Commission Report considered the role of the **"manufacturer"** in producing or distributing products subject to the Commission's jurisdiction.

For all of the above reasons, the Office of the General Counsel concludes that Congress did not intend pets or other living animals, as such, to be ****consumer products**** under the CPSA. Please be advised that, although the opinions expressed in this letter are based on the most current interpretation of the law by this office, they could subsequently be changed or superseded by the Commission.

I hope that this letter has **been** responsive to your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan E. Birenbaum", written over a horizontal line.

Susan E. Birenbaum
Acting General Counsel

March 15, 1990

United States Consumer Product Safety Commission
Washington, D.C. 20207

Attn: Susan E. Birenbaum, Acting General Counsel

Re: Our clients: **Randy** and Sharon Carpenter
Date of Accident: September 23, 1988

Dear Ms. Birenbaum:

This office represents Randy and Sharon Carpenter, parents of Nathan Carpenter, deceased minor, as a result of an incident that occurred involving a wolf-hybrid dog.

In our research on the Consumer Product Safety Act, we found under the miscellaneous products **headnote** of the annotation of § 2052 of 15 U.S.C. the following:

"**Pet** turtles are consumer products and subject to regulation by Consumer Products Safety Commission under the Consumer Product Safety **Act**", C.P.S.C. Advisory Opinion # 78 (January 29, 1974).

We are interested in finding out whether any other animals are also considered a consumer product.

On March 13, 1990, we talked with Bob Poth, Director of the Division of Regulatory Management, who indicated that this Advisory Opinion is no longer applicable and that the C.P.S.C. does not have jurisdiction over any pets any longer. Mr. Poth suggested that we write to **you** for further clarification especially regarding the regulations expanding on the notification provisions.

Any assistance that you could give would be appreciated.

Sincerely,



BERNIE REAMER
Legal Assistant

BR/mws

cc: Mr. & Mrs. Carpenter
David A. Simpson, Esq.

06 MAR 21 12:30

RECEIVED
CPSC
GENERAL COUNSEL OFFICE

Exhibit 15

From: Tauxe, Robert V. (CDC/OID/NCEZID)
Sent: 23 Aug 2017 20:59:13 +0000
To: Lance, Susan (CDC/OID/NCEZID)
Subject: RE: standards of care USDA for puppies

Thanks Susan. Seems like we have stumbled on another Wild West. Perhaps working with the retail end will have more leverage, as with specialty hatcheries.

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

From: Lance, Susan (CDC/OID/NCEZID)
Sent: Wednesday, August 23, 2017 12:45 PM
To: Tauxe, Robert V. (CDC/OID/NCEZID) <rvt1@cdc.gov>
Subject: standards of care USDA for puppies

Hi Rob—here is some information I thought you might like. There are a couple shelter medicine programs at vet schools (UC Davis and Florida) that are developing infectious disease guidelines that could be adapted to puppy mill situations but in my experience, the mass producers of puppies expect some “loss” but they make so much money they’re willing to live with it, and since there is generally no emotional attachment to the animal, the money is all that counts.

<http://www.thepuppmillproject.org/relevant-laws/>

Exhibit 16



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Facts about Cage Stacking

One of the most troubling conditions seen at puppy mills is overcrowding, which can lead to sanitation problems, stress, and disease. Puppy mills commonly use stacked cages to house more animals than a given space should reasonably hold. Specific problems with cage stacking include:

- In cages with wire or slatted flooring, stacked cages allow urine, feces, wastewater, and other filth from higher cages to rain down onto the dogs in the lower cages.
- Stacked cages encourage overcrowding. The HSUS has been involved in numerous puppy mills where the ammonia levels inside buildings with stacked cages were so high that rescue workers had to wear respirators.
- Dogs in stacked cages are often so high or so low that caretakers or inspectors can't easily see the dogs to check on their well-being.
- Stacking makes it more difficult for adequate lighting and air flow to reach all parts of the enclosures; in some cases some of the dogs in stacked cages have been found living in almost total darkness and neglect.
- Adequate cleaning of stacked cages is difficult and often hinders proper care.
- Removal of the dogs and puppies from the highest or lowest tiers for maintenance or cleaning can be difficult and often leads to unsafe conditions or injury to the dogs.



Exhibit 17



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Routine Inspection

Mr Joey Farley
Pleasant Valley Puppies
Pleasant Valley Puppies
1945 Pleasant Valley Dr
Galena MO 65656

County: Stone
License ID: AC001XJL
Inspection Date: 09/13/2018
2:50 PM

NARRATIVE

Inventory Counts:

0	Kittens
89	Adult Dog
0	Adult Cat
47	Puppies

Inspection Conducted by Sandra Greenwell.

CATEGORY I: Compliant item(s) identified this inspection:

Item No: 29. Primary Enclosure: General Requirements

2 CSR 30-9.030 (1) (F) C. Any primary enclosure subject to the provisions of section 273.345, RSMo...(I) Wire strand flooring shall be prohibited;

1/31/2018 - There were ten puppies located in an indoor portion of the facility that were on elevated wire strand flooring. According to the Canine Cruelty Prevention Act, "...for all enclosures as of January 1, 2016, wire strand flooring shall be prohibited and all enclosures shall meet the flooring standard set forth by rule of the Missouri department of agriculture." In order to comply, the licensee will need to renovate the floors, remove the enclosures from the inspected facility, or disassemble the structures in such a fashion that they no longer meet the definition of a primary enclosure.

9/13/2018 - There were no dogs or puppies housed on elevated wire strand flooring during today's inspection. Licensee shall ensure that no dogs or puppies are housed on elevated wire strand flooring as long as the facility is subject to the rules under the Canine Cruelty Prevention Act. This item has been corrected.

Corrected on: 9/13/2018

CATEGORY III: Non-compliant item(s) identified this inspection:

Item No: 25. Outdoor Facilities: Construction

2 CSR 30-9.030 (1) (D) 3. The floors of outdoor housing facilities may not be of bare dirt or sand; must have adequate drainage; and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin.

9/13/2018 - The aggregate in two outdoor enclosures were composed of mostly bare dirt. Outside flooring areas in contact with the animals may not consist of bare dirt or sand and must have adequate drainage. Licensee shall add more aggregate to the pens and maintain all outdoor pens so none of them consist of bare dirt or sand.

To be corrected on: 9/18/2018

Item No: 30. Primary Enclosure: Space and Additional Requirements

2 CSR 30-9.030 (1) (F) 3. C. (I) (d) No more than six (6) adult dogs (subject to the provisions of section 273.345, RSMo) may be housed in the same primary enclosure.

9/13/2018 - There were seven adult Weimaraners house in one enclosure. All facilities subject to provisions of section 273.345 RSMo may not house more that six adult dogs in the same enclosure. Licensee shall remove at least one dog from the enclosure.

To be corrected on: 9/13/2018

Item No: 36. Health and Husbandry: Cleaning and Sanitation Requirements

2 CSR 30-9.030 (2) (E) 2. B. Used primary enclosures and food and water receptacles for animals must be sanitized at least once every two (2) weeks using at least one (1) of the methods prescribed in this section, and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards.

Prepared By:

Sandra Greenwell, Animal Health Officer

Date: 12/27/2018

Copy Received By:

Date: 12/27/2018



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Routine Inspection

9/13/2018 - There was a build up of hair, dirt, and excreta in the outdoor pens of the shelter building and both set of outdoor enclosures. This build up was along the walls and front panels in the shelter building and the dog houses and front panels in the outdoor enclosures. There was also a build up of excreta in two small outdoor enclosures. Licensee shall clean and sanitize the primary enclosures to promote the health and well-being to the animals.

To be corrected on: 9/20/2018

Inspection conducted with
Cyndi Farley (Licensee)
Missy Crites (Animal Health Officer)

Prepared By: _____
Sandra Greenwell, Animal Health Officer

Date: 12/27/2018

Copy Received By: _____

Date: 12/27/2018

Exhibit 18



Puppy Mills and the Animal Welfare Act



**THE HUMANE SOCIETY
OF THE UNITED STATES**



For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more trust in the pet breeding industry, healthier pets and safer consumers, in addition to meeting the USDA's statutory obligation to protect the health and welfare of animals in regulated facilities.

What is a puppy mill?

Commercial dog breeding operations that fail to meet the basic physical, behavioral and/or psychological needs of dogs by keeping them in crowded, dirty or unhealthful conditions are commonly known as “puppy mills.”

A single puppy mill can keep hundreds of dogs closely confined in stacked wire cages for their entire lives, solely to produce puppies for the pet trade. After the breeding dogs can no longer produce puppies, they are often killed or abandoned. Puppy mills in the United States pump out approximately two million puppies per year for the pet trade.¹ Due to poor husbandry at puppy mills, the puppies they sell to consumers are often sick, and many suffer from painful or life-limiting congenital disorders.

The United States Department of Agriculture is in charge of enforcing the federal Animal Welfare Act and its regulations, which require minimal standards of care for dogs bred for the purpose of selling their puppies to the public as pets. Any commercial pet breeder with five (5) or more breeding females is required to obtain a USDA license, and be open to regular inspections, if they sell to pet stores or to customers who don't see the animal prior to purchase.²

However, many dog breeders fail to obtain the required license, and even those who are licensed often fail to comply with the required animal care standards. Violations for issues such as failing to get proper treatment for sick or injured dogs, dogs exposed to extreme weather, dilapidated housing and underweight or severely matted dogs are common.

APPROXIMATELY 2 MILLION:

Estimated number of puppies sold annually who originated from puppy mills—USDA-licensed and non-USDA licensed¹



Compounding the problem is the fact that the minimal standards of care for dogs outlined in the AWA's regulations are outdated and insufficient.³ AWA standards still permit conditions that the average American today would consider inhumane, such as keeping breeding dogs continually confined in small, stacked wire cages, with little or no exercise, socialization or enrichment. They also permit puppy mills to leave dogs in extremely hot or bitterly cold temperatures for up to four hours at a time—longer in some circumstances. Penalties for failing to meet the AWA standards are weak, and the rules are sparsely and unevenly enforced. Fines are not high enough to be a deterrent, and license revocations are rare—even for licensees who have been found with sick and injured dogs again and again.

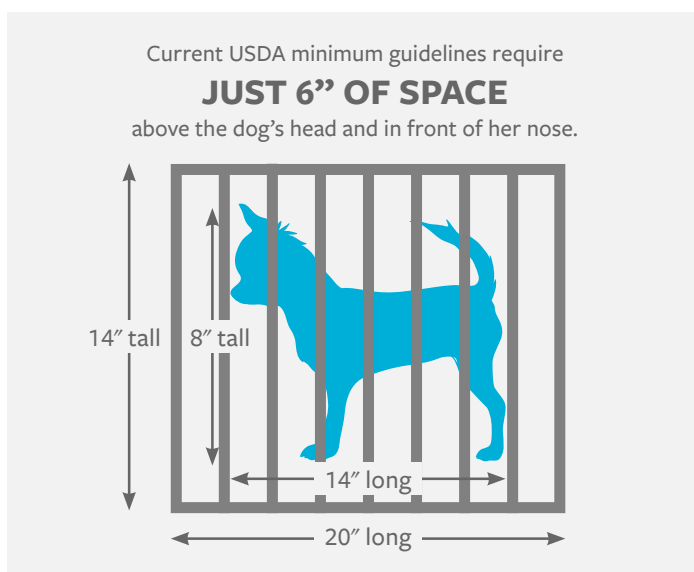
In September 2015, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals and the HSUS-affiliated Humane Society Veterinary Medical Association submitted a rulemaking petition⁴ to the USDA that called for 10 signifi-

cant reforms in basic care standards for dogs at regulated breeding operations. The reforms include: banning the use of stacked cages and harmful wire flooring; providing annual hands-on veterinary examinations and preventive care for breeding dogs; requiring that breeding dogs be given an opportunity for daily exercise and positive human interaction; requiring that dogs have continual access to potable water; protecting dogs from extreme temperatures; and doubling the minimum required cage space—currently, the requirement is for just 6 inches of space above and around each dog.

The petition documents in detail the scientific and rational justifications for these commonsense improvements. Almost five years later, in May 2020, the USDA finalized a rule partially addressing only two of the 10 issues in the petition. The new rule requires continual water and annual hands-on veterinary examinations and vaccinations for breeding dogs, but does not address the other critical animal care issues.

The victims of puppy mills are not only the animals, but the many citizens who purchase sick puppies and often spend thousands of dollars in veterinary bills attempting to save their lives. Poor oversight of puppy mills has also led to disease outbreaks and consumer lawsuits, giving the pet industry a black eye; as of July 2020, more than 360 localities and three states (California, Maryland, Maine) have passed ordinances to ban the sale of puppies in pet stores⁵ as a result of citizens’ concerns.

American families who purchase puppies from regulated breeders expect and deserve that the animals were raised in healthy and humane conditions. The USDA’s Animal Welfare Act regulations must be upgraded to be in line with Americans’ expectations and values, as well as the current scientific understanding of humane care.



A 2010 audit of the USDA’s animal care inspections program found numerous problems with enforcement, including insufficient follow-up on dogs with severe veterinary issues.



Stacked wire cages are legal conditions under current USDA regulations.

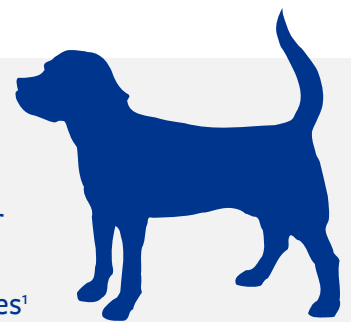


Insufficient standards harm citizens and businesses as well as dogs

In 2010, the USDA's Office of Inspector General released a report⁶ on their most recent internal audit of the USDA/APHIS's Animal Care program of dog breeder inspections. The audit found that AC's enforcement process was ineffective against problem dealers; that inspectors did not cite or document violations properly as needed to support enforcement actions; that penalties were minimal at best; and that some high-volume dog breeders were using the internet to circumvent the Animal Welfare Act entirely. Shocking color photographs taken by AC inspectors were included in the report. The photos showed dogs suffering from conditions that a reasonable person would expect to result in confiscation of the dog(s) and animal cruelty charges filed if the dogs had been personal pets. The photographs included a dog covered with hundreds of ticks, a dog's food bowl crawling with cockroaches, dogs with large open wounds—one so severe that the dog's leg bones were exposed—and puppies entrapped in wire flooring. Yet the breeders responsible for caring for the animals generally remained licensed and faced only minor warnings or fines.

204,363:

Estimated number
of dogs kept solely for
breeding purposes in
USDA-licensed facilities¹



One of the most promising results of the audit was a long-awaited rule regulating internet dealers as proposed in the audit. Now known as the “retail pet stores rule” and finalized in 2013, the regulation requires commercial pet breeders who sell puppies online, by mail or by phone to buyers who are unable to see the puppy prior to purchase to be licensed and inspected in the same way as breeders that sell to pet stores. But seven years later, the increase in regulated breeders has not been as large as expected. The USDA originally estimated that

INSUFFICIENT STANDARDS

between 2,600 and 4,640 additional large-scale breeders may require regulation under the new rule,⁷ an estimate that was in line with HSUS estimates. But by mid-2020, only a few hundred new licensees had been added, and many of the other reforms the agency promised had not yet come to pass.

The HSUS's annual Horrible Hundred reports⁸ on problem puppy mills have documented instances of breeders who had repeated AWA violations spanning many years, yet remained licensed, sometimes

for decades. For example, the USDA found more than 90 dogs and puppies in need of medical attention during inspections of Donald Schrage's Rabbit Ridge Kennel in Edina, Missouri, between April 2010 and October 2014, according to a complaint the agency filed in February 2015,⁹ yet the facility did not have its license revoked until November 2016.

In October 2019, a dog dealer in Kansas called Wendy Pets admitted to killing two dozen of their dogs by gunshot; their state inspection agency cited the operation, but USDA did not issue a single violation for the deaths.



An emaciated female chihuahua at a USDA-licensed breeding facility. USDA rarely imposes significant penalties for breeders, even those found with multiple sick or emaciated dogs.

Meanwhile, many other breeding operations that repeatedly failed their state inspections received no violations at all on their USDA inspection reports. In some cases, the USDA failed to cite breeders for egregious issues. For example, in October 2019, a dog dealer in Kansas called Wendy Pets admitted to killing two dozen of their dogs by gunshot; their state inspection agency cited the operation, but USDA did not issue a single violation for the deaths.

\$500,000: Estimated cost of a puppy mill bust involving 250 animals¹

THE COST OF CARING

CASE STUDIES FROM PUPPY MILL RESCUES

Costs for puppy mill closures vary significantly by locality. These two examples show variable costs due to differences in veterinary fees, housing and other expenses.

Warm Springs, AR
FEBRUARY 2015:

46 dogs

Vet care and consult services:
\$46,698.91

Shelter supplies:
\$15,487.20

Physical deployment:
\$65,481.74

\$127,667.85

Clarkesville, GA
APRIL 2017:

304 dogs

Vet care and consult services:
\$113,293.71

Shelter supplies:
\$33,598.84

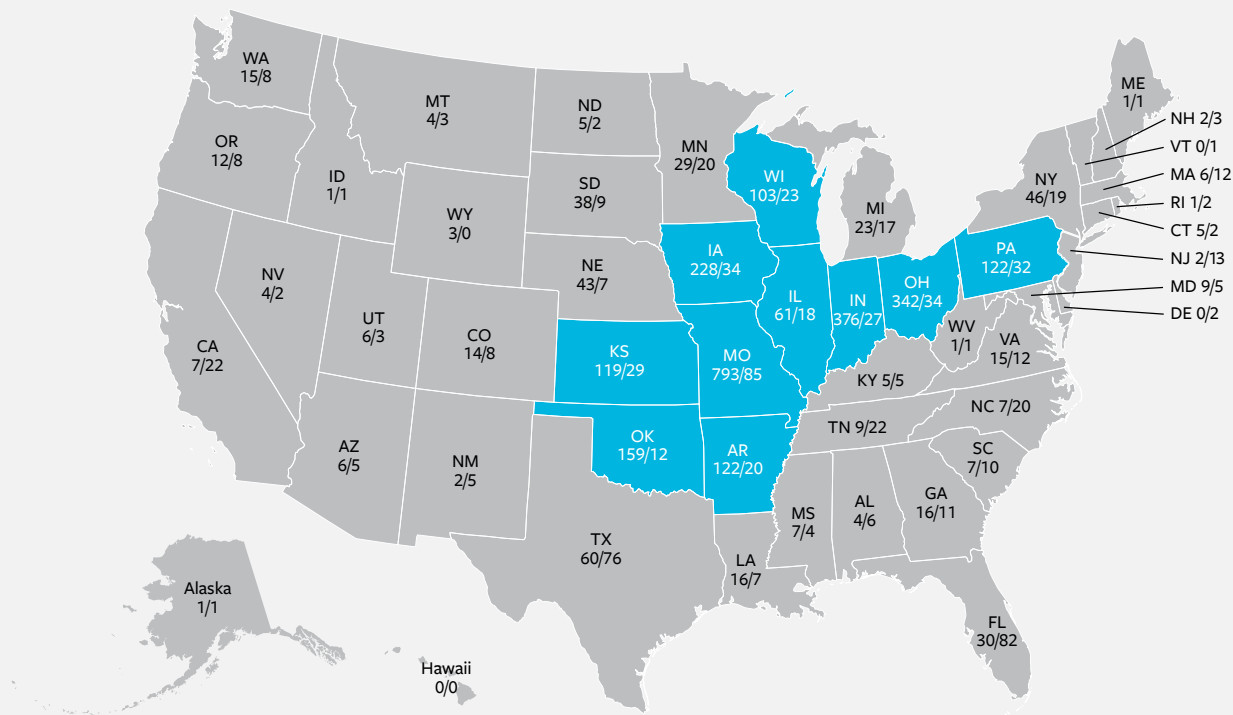
Physical deployment:
\$55,441.86

Total:
\$202,334.41



USDA-LICENSED PET BREEDERS

Based on data published by the United States Department of Agriculture, (USDA), August 2020



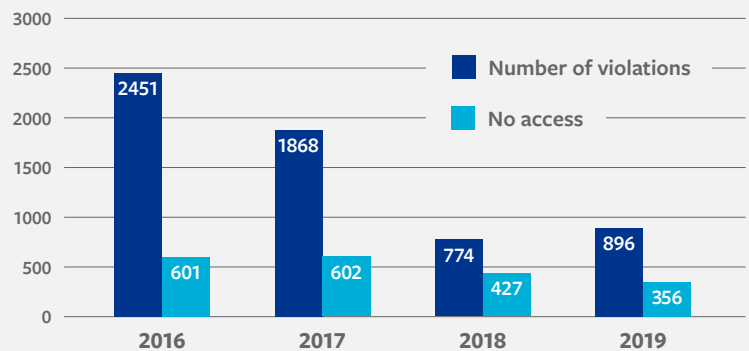
10 states with the highest number of licensed pet dealers

Types of licenses: Class A/Class B

Class A: Commercial Breeders. Facilities that breed companion animals, primarily dogs, for the pet trade. **Total: 2,887**

Class B: Brokers/Dealers. Middlemen who obtain animals from breeders and then resell. **Total: 752**

USDA VIOLATION DATA A&B LICENSES 2016–2019



Enforcement of the Animal Welfare Act at puppy mills has been on a precipitous decline since 2016, partly because the USDA has instructed inspectors to “educate” violators rather than documenting certain violations on inspection reports. The USDA has also removed large portions of its inspector guide on identifying and removing suffering animals.



Animals are not the only victims of the regulations' marginal standards:



Consumers often accrue thousands of dollars in expensive veterinary treatment when they unwittingly purchase sick or genetically defective puppies from “USDA-licensed breeders” after being falsely assured by sales staff in pet stores, or on dog breeder websites, that the license is an indication of humane care and quality. Many families face the death of their puppy shortly after purchase.¹⁰



Responsible dog breeders who provide high-quality care and housing to their dogs face a competitive disadvantage when the USDA grants the same type of license to breeders who provide marginal care.



Pet stores have had to be closed and quarantined when puppies with distemper or other highly contagious diseases contaminated their store.¹¹ They also face frequent consumer lawsuits¹² for selling sick puppies from puppy mills. Others have faced lawsuits for selling puppies with zoonotic diseases, such as *Campylobacter* or *giardia*, that sent human family members to the hospital.



Licensed dog breeding operations suffer financial peril when crowded conditions, lax biosecurity measures and poor veterinary care result in disease outbreaks that

spiral out of control. For example, in December 2010 a licensed breeder in Kansas (Jeff Fortin) was forced to euthanize more than 1,200 dogs¹³ when a distemper outbreak in his kennel could not be eradicated. Others have destroyed their breeding stock due to other preventable disease outbreaks—including canine brucellosis, which is transmissible to humans.¹⁴



The pet industry is hampered when localities pass ordinances banning the sale of puppies in pet stores. However, until consumers have confidence that puppies from USDA-licensed facilities were raised in healthy and humane conditions, the number of such ordinances will continue to rise.



Animal shelters and nonprofit organizations often spend tens of thousands of dollars housing and caring for dogs discarded by commercial breeding operations. A single dog sometimes requires thousands of dollars in veterinary treatment, as well as intensive behavioral training, to make the animal healthy enough for adoption. In 2014, the HSUS reported spending more than \$500,000 on the care and housing of 161 malamutes seized from an AKC breeder's puppy mill.¹⁵ And in 2015, the ASPCA reported spending an average of \$318 to \$624 on veterinary care for each dog their organization rescued from a puppy mill.¹⁶



THE HIGH HEALTH COSTS OF PUPPY MILLS

In December 2010, a **licensed breeder in Kansas destroyed more than 1,200 dogs when a distemper outbreak in his kennel could not be eradicated.** Others have destroyed their breeding stock due to other preventable disease outbreaks—including canine brucellosis, which is transmissible to humans.

More recently, the Centers for Disease Control studied two outbreaks of multi-drug resistant *Campylobacter* infections linked to Petland puppies in 2018 and 2019, finding that **commercially-raised puppies in pet stores were linked to approximately 150 cases of drug-resistant human illnesses,** including at least 26 people who were hospitalized. And in 2019, Iowa experienced a spread of zoonotic canine brucellosis after a USDA-licensed dealer with a history of violations sold hundreds of dogs at auction.^{17,18,19,20}

A pressing need for higher standards

RULEMAKING PETITION FOR HIGHER STANDARDS

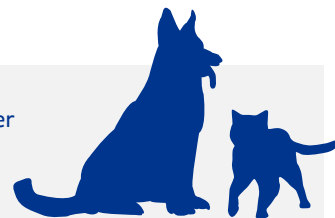
Even if all the USDA's enforcement issues are aggressively and effectively addressed, a core problem remains: The AWA's animal care guidelines are outdated, outlining basic survival standards that fall far short of humane care. Tens of thousands of dogs in commercial breeding facilities today live in objectively harmful conditions that nonetheless comply with current regulations.

In more than 50 years since the AWA was signed into law in 1966, scientific understanding of dogs and their needs has grown, and the public's expectations of proper dog care and welfare have improved significantly. There is also a greater understanding of zoonotic disease risks related to the intensive confinement of animals in crowded and dirty conditions, as well as new disease risks that have emerged over time.

Amending AWA regulations to ensure humane standards of care and safeguard the health of regulated animals is the agency's obligation under the statute. The rulemaking petition filed in September 2015 by the HSUS, HSVMA and the ASPCA urged the USDA to improve the standards of care for dogs in commercial breeding operations by adopting a number of very specific changes to the AWA regulations.

The pet industry, the USDA, Congress and animal welfare organizations agree on one fact: consumers care greatly about how puppies are bred and raised.²¹ An Edge Research survey commissioned by the

1.5 MILLION: Estimated number of dogs and cats euthanized by shelters every year in the U.S.¹



ASPCA²² found that more than 90% of respondents believed dogs in commercial breeding operations should have access to veterinary care, the opportunity to exercise daily, a chance to go outdoors and cages that give them more than 6 inches of space in each direction, among other provisions.

The results of a successful ballot initiative in Missouri in 2010, Proposition B, otherwise known as the Puppy Mill Cruelty Prevention Act, showed that the majority of voters supported improved standards for dog breeders that exceed the USDA requirements, even in a state known for its support of agricultural interests and commercial dog breeding.²³ And in 2018, Ohio passed a law prohibiting some of the most harmful practices in puppy mills, including cage stacking and wire flooring. The law also requires ample exercise space and better temperature controls for dogs and limits how many times a female can be bred. Pennsylvania also passed much higher standards of care in 2009. With some of the largest puppy-producing states in the country passing such laws, the USDA can help level the playing field for all breeders by requiring the same standards nationwide.²⁴



A dog in a USDA-licensed breeding facility suffering from advanced dental disease.



Puppies with their legs dangling through wire flooring at a USDA-licensed breeding facility; the entrapment can be life-threatening if the puppies aren't able to free themselves.



A dog in a USDA-licensed breeding facility had a cluster of feeding ticks on her face.



A puppy was found with a severe head injury at an Ohio breeder's facility.

ADMINISTRATION MUST PUSH FOR UPGRADED STANDARDS

For the welfare of animals and the public, the insufficient AWA regulations must be upgraded as soon as possible. Providing healthy and humane conditions will result in more robust pet breeding operations, healthier pets and safer consumers, in addition to meeting the USDA's statutory obligation to protect the health and welfare of animals in regulated facilities.

Ambient temperatures that are too hot or too cold for dogs can be stressful and cause harm.

Research shows most dogs are comfortable in temperatures between 64.46 and 84.2 degrees Fahrenheit.²⁵ USDA guidelines allow dogs to be kept in temperatures below 45 degrees or above 85 degrees for up to four consecutive hours.

The HSUS urges the USDA to make a rule that encompasses the remaining improvements outlined in the HSUS's September 2015 rulemaking petition. The administration can also help by supporting stronger enforcement of the AWA and its regulations and by recommending that Congress increase funding for the USDA so that it can properly carry out its obligations.

USDA priorities should include:

- A plan to greatly improve conditions for dogs kept at USDA-licensed facilities, including a ban on cage stacking and wire flooring, and greatly increased minimum enclosure sizes.
- Greater emphasis on getting unlicensed pet breeders, including internet sellers, licensed under the retail pet stores rule.
- A plan to crack down more firmly and expeditiously on violators of the AWA regulations by streamlining the enforcement process.

The changes would require commercial dog breeders to better meet the physical and psychological needs of dogs by:

- 1 Prohibiting wire flooring**, which is uncomfortable for dogs and often entraps or injures the dogs' feet.
- 2 Doubling the minimum required cage space for dogs**; current regulations allow dogs to live their entire lives in cages only six inches longer than their bodies.
- 3 Prohibiting the stacking of primary enclosures**. Stacked enclosures are often used to pack too many animals into a small space and can impede air flow, block light and prevent proper sanitation.
- 4 Protecting dogs from extreme temperatures**. Current regulations allow dogs to be kept in temperatures below 45 degrees or above 85 degrees Fahrenheit for up to four hours at a time.
- 5 Protecting dogs from excessive breeding to the point of physical depletion**. Current regulations place no limit on how frequently a dog can be bred, and female dogs are often bred repeatedly without rest. In addition, they are not screened for inheritable disorders that can harm their offspring.
- 6* Requiring regular veterinary exams, core vaccinations and preventive care, and prohibiting the unlicensed practice of veterinary medicine in breeding operations**. The agency finalized a rule in May 2020 that partially addressed this issue, but it stopped short of requiring individual veterinary records for each dog, which will continue to make disease outbreaks difficult to trace.
- 7 Ensuring that dogs have an opportunity to exercise for their health and well-being**. Current rules allow dogs to be kept in small cages 24 hours a day, 365 days a year, as long as certain parameters for cage size are met. The petition recommends that dogs have access to an exercise area during daylight hours.
- 8 Requiring that dogs have regular socialization**. New proposed rules would require at least 30 minutes per day of positive social interaction with humans to address the mental and behavioral needs of dogs.
- 9 Encouraging the re-homing of retired breeding dogs and unsellable puppies**. Current regulations do nothing to protect unsellable or unbreedable dogs who are otherwise healthy from being destroyed or abandoned.
- 10* Requiring dogs to have continuous access to water**. The agency did address this issue in their May 2020 rulemaking; it was the only issue out of the many issues outlined in the 2015 petition that has been fully addressed as of 2020.



IN 2020 the USDA partially addressed number 6 and fully addressed number 10.



Citations

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³Latham and Watkins, LLP, HSUS et al. “Petition to the United States Department of Agriculture for Rulemaking Under the Animal Welfare Act to Increase Minimum Standards at Commercial Breeding Facilities.” (Sept. 21, 2015). Online at *blog.humanesociety.org/wp-content/uploads/2015/09/HSUS-Puppy-Mill-Petition-for-Rulemaking-FINAL3625509_18_DC.pdf* [Hereinafter, HSUS Petition for Rulemaking, 2015].

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⁵The Humane Society of the United States, “Localities Banning Retail Pet Store Puppy Sales,” online at *humanesociety.org/pmlocalities* (last accessed September 15, 2020).

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¹³Associated Press, “About 1,200 Dogs Euthanized After Disease Outbreak,” Dec. 15, 2010, accessed on Archive. Boston.com, http://archive.boston.com/news/nation/articles/2010/12/15/about_1200_dogs_euthanized_after_disease_outbreak/ (last accessed October 6, 2020).

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¹⁹ CDC 2018: <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html#:~:text=CDC%2C%20several%20states%2C%20and%20the%20U.S.%20Department%20of,stores%20were%20a%20likely%20source%20of%20this%20outbreak>.

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Our Promise

We fight the big fights to end suffering for all animals.

Together with millions of supporters, we take on puppy mills, factory farms, trophy hunts, animal testing and other cruel industries. With our affiliates, we rescue and care for thousands of animals every year through our animal rescue team's work and other hands-on animal care services.

We fight all forms of animal cruelty to achieve the vision behind our name: a humane society.
And we can't do it without you.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

1255 23rd Street, NW, Suite 450 Washington, DC 20037
humanesociety.org

Exhibit 19



Inspection Report

Stevie Hoover
4592 John Green Road
Dundee, NY 14837

Customer ID: **501627**
Certificate: **21-A-0191**
Site: 001
STEVIE HOOVER

Type: ROUTINE INSPECTION
Date: 03-JUN-2019

2.40(b)(2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

*** A Bichon/Maltese # 1858 is heavily matted over 70% of her body. Heavily matted fur pulls and separates from the skin causing potential skin irritations and can be painful. In addition, this dog has a large build up of brown tarter along the teeth and gum line. Dental care is listed in the PVC with guidance to contact the vet for care at this stage of dental issues.

A male Cavalier # 2758 is heavily matted along the chest, legs and anal region. There were feces trapped in the fur around the hind legs. Heavily matted fur pulls and separates from the skin causing potential skin irritations and can be painful.

*** A female Maltese # 2779 is matted around her legs and back, and has hair loss on the top of the head. Heavily matted fur pulls and separates from the skin causing potential skin irritations and can be painful.

*** A male apricot poodle # 2771 is matted along the back and legs. Matted fur pulls and separates from the skin causing potential skin irritations and can be painful.

Licensee must assure appropriate methods to prevent and treat disease and injuries.

2.40(b)(3) DIRECT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

*** The licensee identified a female Bichon # 108 on 5/25 as having a skin issue but has not contact the vet to communicate and provide timely information. When the dog was looked at, it flinched when the area was touched as if the contact was painful. The vet needs to be contacted and the dog assessed for proper diagnosis and potential treatment options.

Prepared By:

D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Date:
04-JUN-2019

Received By:

Title:

Date:
04-JUN-2019



Inspection Report

*** A 6 week old Boston puppy # 1930 was thin and was observed closer, would not open her right eye. When the eye was opened, a small amount of pus was observed. This animal's condition should be communicated to the vet for diagnosis and treatment options.

*** During the inspection, a litter of puppies was observed with one appearing to be the runt and slightly away from the other puppies. When the puppy was picked up, it was not breathing and was cold to the touch. The licensee stated he had observed the dogs in the kennel that morning and two other individuals were working in the kennel during the inspection process, but none had noticed the puppy was deceased. The manner of daily observation and then communication to the veterinarian needs to be addressed to catch health issues earlier and for the health of the animals.

Correct by: June 5, 2019

3.1(e)

HOUSING FACILITIES, GENERAL.

*** An open bag of bedding was being stored in an empty enclosure in the main kennel. Once bags of bedding are opened, they must be stored in a leak proof container with a tightly fitting lid to protect the supplies from contamination.

Correct by: June 6, 2019

3.6(a)(2)(iii) REPEAT

PRIMARY ENCLOSURES.

*** The current outside runs are gravel floor with wire mesh along the sides. The wire mesh is not buried and the dogs are able to dig underneath into adjacent enclosures. During the inspection, a male apricot poodle # 2771 was digging and going underneath the wire between enclosures 2 and 3. This could be potentially hazardous to the dog. These outdoor enclosures must be constructed to contain the dogs securely and keep other animals from entering their enclosures. This needs to be addressed for the safety of the dogs.

3.9(b) REPEAT

FEEDING.

*** For several of the smaller breeds of dogs, the feeders are several feet off the ground making it necessary for the

Prepared By: D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Received By:

Title:

Date:
04-JUN-2019

Date:
04-JUN-2019



Inspection Report

dogs to continually jump up to access food or potentially jump into the feeder. These food receptacles must be readily accessible for the various sizes of dogs for their comfort and well being. At the time of the inspection, a litter of 6 week old puppies did not have access to puppy food, as the feeder was too high. One female puppy # 1930 was thin with ribs visible. These puppies should have access to a food bowl on the ground to assure accessibility for all dogs in the enclosure.

3.11(a)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

*** The enclosure housing nine Boston Terrier puppies had wet bedding all along the side walls of the enclosure. Three puppies were huddled against a corner seeming cold, while sitting on wet bedding 2 inches deep. These enclosures need to be spot cleaned daily and have additional dry bedding to prevent the animals from being soiled.

Correct by: June 4, 2019

3.11(b)(2)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

*** Currently the feeders are only being wiped down with a cloth and not being sanitized. The feeders have a layer of grime and debris underneath the lip where the dogs eat from. These feeders need to be cleaned and sanitized at least once every two weeks to reduce this accumulation and for the health of the dogs.

Correct by: June 10, 2019

This inspection and exit interview were conducted with the licensee and a facility representative.

Prepared By:

D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Received By:

Title:

Date:

04-JUN-2019

Date:

04-JUN-2019



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
501627	21-A-0191	001	STEVIE HOOVER	03-JUN-19

Count	Scientific Name	Common Name
000037	<i>Canis lupus familiaris</i>	DOG ADULT
000028	<i>Canis lupus familiaris</i>	DOG PUPPY
000065	Total	

Exhibit 20

Commercial Dog Breeder Facility Inspection Report

NEBRASKA

Good Life. Great Roots.

DEPARTMENT OF AGRICULTURE

| Animal and Plant Health Protection

| P.O. Box 94947, Lincoln, NE 68509 | (Office) 402-471-2351

| (Fax) 402-471-6876 | www.nda.nebraska.gov

Facility License # KN936 **Inspector** RICK HERCHENBACH

Date * 05/23/2018 **Purpose** ROUTINE **Time In** 08:00 am

Facility Name ROCKING T KENNEL [Lookup](#)

Owner Name
ROY T. SCHRUNK

Address
643 CR 600

FRIEND NE 68359

County

Email

Last Inspection Date
05/24/2017

☐

Reason to believe a dog is potentially abandoned or being cruelly neglected, cruelly mistreated, or a violation which may pose a significant threat to the health or safety of any dog. (F)

Dogs 46 **# Puppies** 51

Dogs observed to be in good condition. To be in compliance on and after
See Comments 06/06/2018

Inspection Information

The Nebraska Legislature has determined that the Nebraska Department of Agriculture shall establish an inspection program for applicants and licensees to determine whether the requirements of care of the Commercial Dog and Cat Inspection Act are being met. Each applicant must pass a qualifying inspection before an initial license is issued. All licensed facilities are to be inspected at least once in a twenty-four (24) month period, but most facilities are inspected more frequently to monitor compliance, respond to complaints, or for educational and outreach purposes. Routine, biennial inspections are unannounced.

The Nebraska Department of Agriculture (Department), through its Commercial Dog and Cat Operator Inspection Program, conducts inspections for the purpose of determining a licensee's compliance with the Commercial Dog and Cat Operator Inspection Act, Nebraska Revised Statutes §§54-625 through 54-643 (the Act), and the regulations cited as, 23 NAC 18.

Requirements

In Compliance

HUMANE HANDLING, CARE, TREATMENT, AND TRANSPORTATION OF DOGS AND CATS 23 NAC 18-007

01. Adequate Food - 007.01; 9 C.F.R. 3.9; 007.10

Yes

02. Adequate Water – 007.01; 9 C.F.R. 3.10; 007.10	No
02a. Continuously available to each dog or it must be offered as often as necessary to ensure health or safety, but never less than 2x daily for at least one hour each time, unless otherwise restricted by the veterinarian (F)	In Compliance
02b. Access to clean water which is non-toxic and free from algae growth (D)	Out of Compliance
02c. Food receptacles and watering systems constructed of hard surfaces and sanitized pursuant to 007.10D1 (D)	In Compliance
03. Compatible Grouping – 007.02 (D)	Yes
04. Veterinary Care – 54-640; 54-641.02; 007.03; 007.04; 010	No
04a. Written veterinary care plan, reviewed and updated annually by an attending veterinarian (I)	In Compliance
04b. Adequate veterinary care	Review
04b1. Wellness examination one time every three years (D)	In Compliance
04b2. Over 10% coat matting (D)	In Compliance
04b3. Nails are impairing the comfort or health of the dog (D)	In Compliance
04c. Surgical births or other surgical procedures not performed by licensed veterinarian (F)	In Compliance
04d. Failure to seek veterinary medical care or to maintain a dog or cat in a healthy condition as evidenced by any injury or illness to a dog or cat which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ (F)	Out of Compliance
04e. Euthanasia by licensed veterinarian (F)	In Compliance
05. Exercise for Dogs 54-641.01; 007.06	Yes
06. Exercise Method	OK
07. Adequate Socialization 54-640(6) (I)	Yes
08. Employee Requirements – 003.06; 007.07	No
08a. Sufficient number and/or adequately trained to perform general husbandry tasks at level required under the act/regulations (I)	In Compliance
08b. Facility routinely noncompliant in general husbandry because of inadequate cleanliness due to accumulations of litter, food waste, feces, trash, junk, or weeds; or high incidence of injury to the dogs; or multiple substantiated complaints against facility by the general public (D)	Out of Compliance
09. Pest Control – 007.08 (pests on dog)	Yes
Requirements	In Compliance

10. Structure and Condition – 007.09; 54-641 (D)	Yes
11. Sanitation – 54-640(1); 007.09; 007.10	No
11a. Hard surfaces impervious to moisture, easy to clean and sanitize (I)	In Compliance
11b. Non-hard or porous surfaces can be readily cleaned or replaced (D)	In Compliance
11c. Cleaned at least 1x per day to prevent contamination of the dog or cat and to minimize disease hazards and reduce odors (D)	Out of Compliance
11d. Clean in a manner not harmful to dogs and cats (D)	In Compliance
11e. Remove excreta and food waste daily from under the primary enclosure (dropping below primary enclosure) (I)	Out of Compliance
11f. Sanitize as necessary, but at least one time every two weeks (D)	In Compliance
11g. Filthy or very unsanitary on Tufts Scale (F)	In Compliance
11h. Dogs and cats cannot escape feces, urine, mud or standing water (F)	In Compliance
12. Tethering – Dogs are not tethered 007.09 (D)	Yes

GENERAL REQUIREMENTS FOR ALL HOUSING FACILITIES 007.10

13. Intentionally left blank	
14. Design and Construction – 007.10B; 007.10C	Yes
15. Waste Disposal Procedures – 007.10C (I)	No
15a. Procedures for proper removal and disposal of animal and food wastes, bedding, dead animals, trash and debris to minimize pest and vermin infestation, harmful odors and disease hazards	Out of Compliance
15b. Leak-proof trash containers	In Compliance
15c. Tightfitting lids on trash containers	In Compliance
15d. Weeds, grasses, and bushes shall be controlled to facilitate cleaning and pest control	Out of Compliance
16. Intentionally left blank	
17. Proper Pest Control – 007.10E (environment)	Yes
18. Proper Drainage Method – 007.10F	No
18a. Prevents excess or standing water or other fluids (I)	Out of Compliance
18b. Keeps dogs dry and/or bedding dry (D)	In Compliance
18c. Minimizes pest infestations; harmful odors; vermin infestation; disease hazards (D)	In Compliance
18d. Dogs cannot escape standing water or other fluids (F)	In Compliance
19. Adequate Shelter and Protection – 007.10G; 007.09C	Yes
20. Storage – 007.10H; 9 C.F.R 3.1 (I)	Yes
21. Maintain Proper Ventilation – 007.10I (D)	Yes

22. Indoor Housing Heating, Cooling, and Temperature – 9 C.F.R. 3.2 (D)	Yes
23. Enclosed or Sheltered Part of Sheltered Housing Facilities – 9 C.F.R. 3.3 (D)	Yes
24. Indoor and Sheltered Housing Lighting – 007.11	Yes
25. Outdoor Housing – 007.12	Yes
26. Transportation – 007.13 (D)	Yes

Requirements	In Compliance
27. Identification – 54-641.03; 008 (I)	Yes
27a1. Licensed prior to 10/01/12, not required to microchip	Yes
27a2. Licensed after 10/01/12, required to microchip each breeding dog or if ineffective to microchip with alternative method of identification approved by Department	No

RECORD KEEPING REQUIREMENTS 010

28. Acquisition Records – 010.04 (I)	Yes
29. Disposition Records – 010.05 (I)	Yes
30. Health Records – 54-641.02; 010.06; 007.03 (I)	Yes
31. Licensees Restricted in Sales to Dealers – 012 (I)	Yes

Licensees shall not sell to dealers operating within the state who are not licensed under the Act and in accordance with the regulations

Random Sample of Health Records of at Least 5% of Breeding Dogs – 54-641.02(2)

Licensees shall not sell to dealers operating within the state who are not licensed under the Act and in accordance with the regulations

*
2

Dogs observed to be in good condition.* To be in compliance on and after Time Out
See Comments 06/06/2018

STAT. 54-628 (3) & (4), REQUIRE YOU TO PAY A REINSPECTION FEE OF \$150 PLUS MILEAGE OF THE INSPECTOR WHEN THERE ARE VIOLATIONS REQUIRING A REINSPECTION

Comments and Suggestions

Two Adult female St. Bernards, one twelve year old, and the other female being thirteen years old, need to be examined by a vet. Both dogs have open wounds, fresh blood is present on both dogs. Water dishes located outside by west facility need to be cleaned, water is not clean, and algae, is present in water dishes. Pup pens located in west facility need to be cleaned of feces inside of the pens, and under the pens. Trash located inside of buildings needs to be removed from the facility. Weeds, and grass located in east outdoor pens needs to be cut. Dirt holes located in outdoor pens, needs to be filled in with dirt. More employees are needed to properly care for the dogs, and to keep standards in compliance.

Inspector's Name
RICK HERCHENBACH

Licensee's Name
ROY T. SCHRUNK

Inspector Signature

Rick Huchembaeh

Licensee or Representative Signature

Ry J. Schenk

ANY AREA(S) NOTED AS OUT OF COMPLIANCE NEED TO BE CORRECTED WITHIN THE DATE SPECIFIED BY THE DEPARTMENT. A REINSPECTION MAY BE CONDUCTED TO ENSURE COMPLIANCE.

This Inspection is Rated as:

UNACCEPTABLE

Office View Only – Scoring

Flag Violation Score	Direct Violation Score	Indirect Violation Score	Overall Violation Score
6	6	3	15

Flagged Violations (F)

1

Direct Violations (D)

3

Indirect Violations (I)

3

Submit

Print

Exhibit 21



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

Debra Ritter
Debra Ritter
23110 Hwy M
Curryville MO 63339

County: Pike
License ID: AC00122Y
Inspection Date: 07/31/2018
9:00 AM

NARRATIVE

Inventory Counts:

0	Kittens
0	Adult Cat
106	Puppies
233	Adult Dog

Inspection Conducted by Mary Martin.

CATEGORY I: Compliant item(s) identified this inspection:

Item No: 45. Identification Requirements

2 CSR 30-9.020 (9) (A) All licensees with a United States Department of Agriculture (USDA) license shall identify their animals as prescribed in USDA regulations.

2/8/2018 - There was a litter of Collie/Poodle mixes that did not have any form of identification. There was not a cage card present nor were the puppies permanently identified. The licensee stated that the dogs were available at Christmas time, so the dogs may be required to be permanently identified.

2/13/2018 - This item was not addressed as this was a Focused Inspection.

7/31/2018 - Dogs that were checked for identification, were identified by a prescribed method. This item has been corrected.

Corrected on: 7/31/2018

Item No: 46. Recordkeeping Requirements

2 CSR 30-9.020 (11) (A) 1. Each commercial breeder, dealer (other than operators of auction sales and brokers to whom animals are consigned), intermediate handlers, exhibitors and voluntary licensees shall make, keep and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held or otherwise in his/her possession or control which is transported, euthanized, sold or otherwise disposed of by that licensee. The records shall include any offspring born of any animal while in his/her possession or under his/her control.

2/8/2018 - There were at least ten juvenile dogs that had been micro chipped, but had not been placed on the facility's inventory list. Once a dog reaches sixteen weeks of age, the dog needs to be listed on the facility's inventory.

2/13/2018 - This item was not addressed as this was a Focused Inspection.

7/31/2018 - The records of inventory were generally up to date. This item has been corrected.

Corrected on: 7/31/2018

Item No: 48. Veterinary Care

2 CSR 30-9.020 (8) (B) 4. Daily observation of all animals to assess their health and well-being. A mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

Prepared By:

Mary Martin, Animal Health Officer

Date: 12/27/2018

Copy Received By:

Date: 12/27/2018



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

7/20/2017 - There were two Huskies located in a raised outdoor enclosure that had two piles of unformed stool and one puddle of watery diarrhea in the pen. The licensee stated that a different food had been fed recently but no other enclosures were noted to have diarrhea in them. Dr. Bowers stated that she had not been consulted about any diarrhea problem during the hands-on exams this week. The licensee shall consult a licensed veterinarian regarding the diarrhea and retain documentation of any recommendations and treatments to be available for review at future inspections.

02/08/2018 - During today's inspection, the licensee has documentation of administration of a dewormer to the Huskies on 07/19/2017, but our last inspection was 07/20/2017. There are no records of consultation with a veterinarian regarding these Huskies after 07/20/2017. This item has not been corrected. Going forward, the licensee shall retain documentation of any future veterinary consultations or exams recommended during inspections.

2/13/2018 - This item was not addressed as this was a Focused Inspection.

7/31/2018 - The licensee has documentation of consulting with the veterinarian for several medical problems. This item has been corrected.

Corrected on: 7/31/2018

CATEGORY III: Non-compliant item(s) identified this inspection:

Item No: 16. Indoor Facilities: Surfaces

2 CSR 30-9.030 (1) (B) 4. The floors and walls of indoor housing facilities and any other surfaces in contact with the animals must be impervious to moisture.

7/31/2018 - The licensee is now using the basement of their home for large dog whelping. The floor showed signs of water soaking into the concrete and there was no beading of water observed. This flooring is not impervious to moisture and cannot be properly cleaned and sanitized. In an indoor facility, the floor, ceiling and any other surface that the dogs come in contact with needs to be made impervious to moisture so that it can be properly cleaned and sanitized.

To be corrected on: 8/30/2018

Item No: 48. Veterinary Care

2 CSR 30-9.020 (8) (A) 1. Each licensee shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the licensee.

7/31/2018 - The licensee has employed a different veterinarian to be their attending veterinarian, other than the one listed in the ACFA system. Dr. James Foster completed a site visit, a new Program of Veterinary Care, and performed hands-on exams on the dogs in the facility on July 10, 2018, but the Program of Veterinary Care has not been submitted to the ACFA office. When a new veterinarian is employed by the facility, the new Program of Veterinary Care must be submitted to the office.

To be corrected on: 8/7/2018

Item No: 48. Veterinary Care

DIRECT

2 CSR 30-9.020 (8) (B) 4. Daily observation of all animals to assess their health and well-being. A mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

7/31/2018 - Dr. Watson observed a female Standard Poodle, named Cecily, to have alopecia on her right outer ear, squinting of her right eye, and yellow mucoid ocular discharge. The licensee shall have Cecily examined by a licensed veterinarian and retain documentation of the exam and any recommended treatments to be available during future inspections.

To be corrected on: 8/2/2018

Item No: 48. Veterinary Care

2 CSR 30-9.020 (8) (B) 4. Daily observation of all animals to assess their health and well-being. A mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

Prepared By:

Mary Martin, Animal Health Officer

Date: 12/27/2018

Copy Received By:

Date: 12/27/2018



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

7/31/2018 - A female Yorkie, named Donna, had alopecia and redness over both hips, but Dr. Watson did not observe any fleas. The licensee shall consult with a licensed veterinarian and retain documentation of the consultation and any recommended treatments to be available for review at future inspections.

To be corrected on: 8/2/2018

Item No: 48. Veterinary Care

2 CSR 30-9.020 (8) (C) Each licensee subject to the provisions of section 273.345, RSMo, shall establish and maintain programs of veterinary care that include: 1. Examination as defined in 2 CSR 30-9.010(2)(Z) at least once yearly by a licensed veterinarian, and upon detection of any affliction, a comprehensive examination, diagnosis, and appropriate treatment. Provided however, at the discretion of the attending veterinarian, any subsequent treatment may be carried out by somebody other than the attending veterinarian. An individual health examination shall be prescribed, conducted, and recorded on forms furnished by the state veterinarian;

7/31/2018 - During today's inspection, documents indicated hands-on exams had been performed on July 10, 2018, but not all dogs had been examined. This included, but was not limited to, a female Great Dane and a female French Bulldog. The licensee must have all dogs that were not included in the hands-on exams, examined by a licensed veterinarian.

To be corrected on: 8/14/2018

Item No: 48. Veterinary Care

2 CSR 30-9.020 (8) (C) Each licensee subject to the provisions of section 273.345, RSMo, shall establish and maintain programs of veterinary care that include: 2. Consultation on sound breeding practices, including a written and signed recommendation on reproductive health for individual female covered dogs that accounts for species, age, and health of the breeding dogs under care of the licensee. An individual recommendation shall be recorded on forms furnished by the state veterinarian;

7/31/2018 - There were three dogs that the attending veterinarian marked unsound for breeding when conducting the hands on examinations. There was a female Australian Shepherd housed with another male and female; a female Cavalier King Charles Spaniel that was house with another male and female, and a male Pomeranian that was housed with another female. The licensee needs to move these dogs so that they are not being housed with a dog of the opposite sex.

To be corrected on: 8/1/2018

Dr. Cindy Watson was present for this re-inspection.

Inspection conducted with
Debra Ritter

Prepared By: _____
Mary Martin, Animal Health Officer

Date: 12/27/2018

Copy Received By: _____

Date: 12/27/2018

Exhibit 22



Inspection Report

John David Shirk
3607 E Swamp Rd
Penn Yan, NY 14527

Customer ID: **329616**
Certificate: **21-A-0182**
Site: 001
JOHN DAVID SHIRK

Type: ROUTINE INSPECTION
Date: 04-JUN-2019

2.40(b)(3)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

*** In a litter of five bulldog puppies, one puppy is very small and is not thriving. The licensee was tube feeding the puppy for an extended period of time during the day but stopped several days ago. The puppy appears to be declining and its condition should be communicated to the attending veterinarian in a timely manner.

Correct by: June 7, 2019

This inspection and exit interview were conducted with the licensee.

Prepared By:

D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Date:
07-JUN-2019

Received By:

Title:

Date:
07-JUN-2019



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
329616	21-A-0182	001	JOHN DAVID SHIRK	04-JUN-19

Count	Scientific Name	Common Name
000025	<i>Canis lupus familiaris</i>	DOG ADULT
000015	<i>Canis lupus familiaris</i>	DOG PUPPY
000040	Total	

Exhibit 23



Inspection Report

Stevie Hoover
4592 John Green Road
Dundee, NY 14837

Customer ID: **501627**
Certificate: **21-A-0191**
Site: 001
STEVIE HOOVER

Type: ROUTINE INSPECTION
Date: 15-OCT-2018

2.40(b)(2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

*** A Shitzu/Maltese identified as # 93300012012 "Willy" was heavily matted over 90% of his body. The heavy matted fur in the anal region was trapping fecal material making it difficult for the dog to continue to defecate. Heavily matted fur pulls and separates from the skin causing potential skin irritations and can be painful.

*** A Maltese identified as # 93300012017 "Simon" was heavily matted over 90% of his body. The heavy matted fur in the anal region was trapping fecal material making it difficult for the dog to continue to defecate. Heavily matted fur pulls and separates from the skin causing potential skin irritations and can be painful.

Licensee must assure appropriate methods to prevent and treat disease and injuries.

Correct by: Oct 16, 2018

3.3(b)

SHELTERED HOUSING FACILITIES.

There was a young single puppy in a sheltered run with its dam. The dam would leave the puppy to go outside and the metal shift door would not close all the way resulting in drafts coming into the sheltered area. The puppy did not have a working heat lamp and with temperatures in the 50's direct air drafts on this puppy could jeopardize its health as it was visibly shivering. In an adjacent enclosure another two young puppies were also next to the shift door where drafts were coming into the enclosure and these puppies were curled next to each other for warmth. The facility needs to address these whelping areas by minimizing drafts.

Correct by Oct 16, 2018

Prepared By:

D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Date:
19-OCT-2018

Received By:

Title:

Date:
19-OCT-2018



Inspection Report

3.11(c) REPEAT

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

*** Housekeeping inside the sheltered building needs to be addressed at this facility. There is a shelf area over an enclosure that is holding lamp bulbs, clippers, cleaning supplies and there is an accumulation of dead flies on the shelf, on the floor and around the mini fridge. An effective program for pest control must also address the dead pests' removal to continue to reduce disease hazards. Additionally there were multiple empty enclosures that were dirty and had not been cleaned contributing to poor housekeeping conditions. These areas need to be addressed to facilitate cleaning of the premises and pest control.

This inspection and exit interview were conducted with the licensee.

Prepared By:

D AMBROSIO ANDREA, A C I

D AMBROSIO ANDREA, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR 6003

Received By:

Title:

Date:

19-OCT-2018

Date:

19-OCT-2018



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
501627	21-A-0191	001	STEVIE HOOVER	15-OCT-18

Count	Scientific Name	Common Name
000045	<i>Canis lupus familiaris</i>	DOG ADULT
000026	<i>Canis lupus familiaris</i>	DOG PUPPY
000071	Total	

Exhibit 24



**Commonwealth of Pennsylvania
Dog Law Enforcement Office
Kennel Inspection**



Kennel STONE LION KENNEL 3272 UPPER ROAD SHAMOKIN PA 17872 (570) 847-7795 Business		Owner(s)	
Kennel County	NORTHUMBERLAN D (49)	Kennel Township	West Cameron
License Number	16957	License Year/Class	K2: 51-100 dogs per year
Person Interviewed	Heather Leshock	Title	Owner
Inspection Action	Verbal And Written Warning	Inspection Date	12/3/2018
		Inspected By	BECK, ROBERT

Dog Counts

CurrYr: Boarding	CurrYr: Breeding	CurrYr: Other	CurrYr: Transfer	On Prem	PrevYr: Boarding	PrevYr: Breeding	PrevYr: Other	PrevYr: Transfer
0	0	1	16	53	0	0	0	0

Kennel Regulations

Inspection Category	Result
Other	Not Applicable
455.8 Rabies Vaccination	Satisfactory
21.42 Bill of Sale	Not Applicable
21.41b Record on State Forms	Satisfactory
21.41a Records Kept	Unsatisfactory
21.29c Housekeeping/Pests	Unsatisfactory
21.29b Sanitation	Satisfactory
21.29a Excreta	Satisfactory
21.28d Bedding Cleanliness	Satisfactory
21.28c Food/Water Receptacles	Satisfactory
21.28b Water	Satisfactory
21.28a Food	Satisfactory
21.27 Lighting	Satisfactory
21.26 Ventilation	Satisfactory
21.25b Shade	Satisfactory
21.25a Temperature	Satisfactory
21.24d Flooring-Metal Strand	Not Applicable
21.24c Chains	Not Applicable
21.24b Bedding	Not Applicable
21.24a Shelter	Unsatisfactory
21.23b Run Dimensions	Satisfactory
21.23a Run Space	Satisfactory
21.22 Segregation	Satisfactory



Commonwealth of Pennsylvania
Dog Law Enforcement Office
Kennel Inspection



21.21c Drainage	Satisfactory
21.21b Water Resistance	Unsatisfactory
21.21a Maintenance	Satisfactory
Kennel Acts	
Inspection Category	Result
402.d Vet Check	No
401c Interference with Officer	No
220 Refusal of Entry	No
214 Health Certificate	Not Applicable
210 Bill of Sale	Not Applicable
209a.1.1 Dealing Unlic OOS Dealer	No
207g.2 Smoke Alarm & Fire Extinguishers	Unsatisfactory
207g.1 Exercise Plan	Satisfactory
207e Display of License, Refusal or Revocation	Satisfactory
207d Tags - RKNH	Not Applicable
207c Records Kept	Unsatisfactory
207b Maintenance	Unsatisfactory
207a Unlicensed Kennel	No
206a Kennel Closure or Moving	No
Miscellaneous	
Inspection Category	Result
Viewed State Form Exemption Letter	Not Applicable
Viewed Rabies Certification Letter	Not Applicable
Reinspection required	Yes



Commonwealth of Pennsylvania
Dog Law Enforcement Office
Kennel Inspection



Remarks

*Actions which are directed to be taken are not all that may be required of the kennel operator to come into compliance.
The kennel operator is responsible for taking any and all actions necessary to come into compliance.*

Inspection of the kennel took place on December 3, 2018. There were 25 dogs and 28 puppies on the premises at the time of inspection. Kennel's 2018 kennel license was viewed.

The inspection on December 3, 2018 is as follows:

21.21(b)/207(b) - Water Resistance

Warden viewed building surfaces of unsealed wood in housing facilities for the dogs.

Warden directs the kennel owner to take the following action(s):

Construct and maintain the interior building surfaces of the housing facilities so that they are water resistant and may be readily sanitized.

21.24(a)/207(b) - Shelter

Warden viewed puppies in a chain link enclosure with no access provided to shelter which protects them against inclement weather, preserves their body heat and keeps them dry. There was no dog box or other type of shelter inside the chain enclosure.

Warden directs the kennel owner to take the following action(s):

Dogs shall be provided access to adequate shelter. Utilize a dog-house, dog-igloo or some type of appropriate shelter in chain link enclosures that have no other direct access to shelter for the dogs.

21.29(c)/207(b) - Housekeeping/Pets

Warden viewed dogs housed in areas of the kennel grounds that had puddles of standing water and was, otherwise, a mud pit. The dogs viewed were covered in mud, muck and potential disease hazard.

Warden directs the kennel to take the following action(s):

Lay stone or pour concrete in outdoor areas utilized by the dogs to provide adequate drainage and ability for proper sanitation. The buildings and grounds of the kennel shall be maintained, kept clean and in good repair to protect the animals and facilitate proper practices for controlling parasites, pests, and disease hazard.

21.41(a)/207(c) - Records Kept

Warden viewed records for dogs that did not contain all dogs that were in the kennel. There was a litter of five (5) puppies that were not listed on records. Records did not contain necessary information (complete address and complete date of dogs remove from kennel).

Warden directs the kennel owner to take the following action(s):

Maintain records, for at least 2 years, on all dogs kept at any time in the kennel including but not limited to the dog's date of birth, date it entered the kennel, the full name and physical address of where a dog came from, the full name and physical address of who a dog is dispensed to, how a dog is dispensed, etc.

207g.2 - Smoke Alarms and Fire Extinguishers

Warden did not observe fire extinguishers and/or smoke detectors equipped in the kennel.

This warden directs the kennel owner to take the following action (s):

All kennels for dogs shall be equipped with smoke alarms or fire extinguishers. Housing facility shall be equipped with fire extinguishers on premises.

The kennel was not in compliance with the provisions of the Act and its regulations as of the date and time of the inspection.

Follow-up inspection will take place at a later date and time.

Exhibit 25



Inspection Report

Cory Mincey
35 Buggy Trail
Elkland, MO 65644

Customer ID: **17392**
Certificate: **43-A-5947**
Site: 001
CORY MINCEY

Type: FOCUSED INSPECTION
Date: 05-APR-2018

2.40(b)(2) DIRECT REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

-An adult female Saint Bernard "Annabelle" (#941000014961402) and Saint Bernard "Meya" (0A01441848) were very thin and were housed with another male Saint Bernard. These female dogs had obvious visible waists and abdominal tucks. The tops of their lumbar vertebrae were visible and the pelvic bones were becoming prominent. "Meya" appeared thinner than "Annabelle" and her thin body condition with prominent bony structures was easily evident through her heavy hair coat. Also, both dogs each had a wound-like lesion that appeared red and inflamed most notably on the mid to upper portion near the inside of their right front legs. These wounds appeared puncture-like on the right front legs and both legs appeared swollen compared to their left front legs. There was a thinner amount of fur to no fur around these wounds and it also looked wet compared to surrounding fur. The facility representative stated that the dogs had gotten into a fight and had noticed "Annabelle" had been favoring her right front leg and that it looked swollen on Tuesday. "Annabelle" was still limping on the right front leg and she also had a red to black lesion with a scab-like material that was approximately 1 inch in diameter above her left eye. The licensee said that a veterinarian had been contacted the morning of inspection and a treatment plan had already been established for "Annabelle" and her wounds but it had not yet been started at the time of inspection at approximately 1pm. However, "Meya's" wound and swollen appearance of her leg had not been noticed by the licensee or facility representative and a veterinarian had not been contacted about her condition. A closer observation of "Meya" was attempted but the dog appeared skittish and would repeatedly run away from the facility representative and go into the shelter unit when trying to get a closer look at her. The female dogs were observed intensely fighting during the inspection and the facility representative sprayed water with a hose on the dogs to get them to stop fighting. After this incident, "Meya" appeared to have fresh red blood-like material around the right neck/shoulder region. "Meya's" leg condition could be due to a previous dog fight noted by the facility representative and the bloody material around the neck could be due to the recent fight; these fights and possible injuries could increase the risk of infection or other veterinary medical conditions which could be painful. Neither dog was under treatment for their thin body condition.

- An adult female Miniature Pinscher "Harper" also appeared thin and was housed with four additional adult dogs. She had an obvious visible waist and abdominal tuck. The top of her lumbar vertebrae were more visible than the

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

Title:

Date:
06-APR-2018

Date:
06-APR-2018



Inspection Report

other dogs in the enclosure and her pelvic bones were also becoming prominent. The dog was very active and was observed running up and down the length of the outdoor portion of her enclosure repeatedly; a closer observation was attempted but the facility representative was unable to secure the dog. The pacing back and forth could be indicative of an abnormal behavior or other underlying veterinary medical condition which could be distressful.

-Miniature Pinscher "Keishia" (900085000505409) was in an enclosure with 4 of her puppies. She was also very thin and had an obvious visible waist and abdominal tuck. The tops of her lumbar vertebrae were very prominent and her pelvic bones were becoming prominent. Her puppies were currently 4-5 days old according to a facility representative. One of the male puppies appeared listless and was not moving like the other puppies. The facility representative removed the puppy for closer observation and treatment by the licensee. According to the licensee 2 puppies had previously died from the litter. This male puppy's condition could be due to several different veterinary medical conditions some of which could result in death. The licensee must ensure that the PVC and treatment plans for this puppy's condition are followed and if the puppy does not improve then ensure a veterinarian is contacted to follow-up on a treatment plan.

-An adult female Miniature Pinscher "Fiona" (0A01737041) was observed running up and down the length of the outdoor portion of her enclosure repeatedly. When she did stop, she was observed in a hunched position and appeared to be trying to have a bowel movement; at least on one attempt a small amount of liquid stool was observed which was red in color and appeared to be blood-like. The inspectors observed this straining-like behavior at least 3 times in approximately 5 minutes. The facility representative had not noticed this dog's loose red stool and a veterinarian had not been contacted about the dog's condition and no treatment was being given. The loose stool could be due to gastrointestinal disorder, infection or other veterinary medical condition which could be painful. The pacing back and forth could be indicative of an abnormal behavior or other underlying veterinary medical condition which could be distressful.

A veterinarian had not been contacted about any of these dogs' ongoing thin body conditions listed above and they were currently not under any treatment for their body conditions. The licensee mentioned that it was possible that some of the dogs could be thin due to getting "bullied" by another dog in each enclosure over the food. A thin body condition in dogs can also be due to inadequate nutrition, parasites, or other underlying medical problems. The licensee must consult with a licensed veterinarian regarding the thin body conditions of these dogs. "Meya" and "Fiona" must be examined by a veterinarian. These veterinary consultations and examinations are in order to ensure that accurate diagnoses are made and that appropriate treatment plans are developed and followed.

-An adult female Boxer "Lily" still appeared thin. She was included on the report for the inspection conducted on 3/22/18 for being very thin. She still had an obvious visible waist and abdominal tuck. The tops of her lumbar vertebrae were prominent and her pelvic bones were becoming prominent. She was still co-housed with another adult dog. According to the licensee and facility representative, they were separating the dogs within the enclosure at feeding time so they could each eat their own portions of food. The licensee had consulted with the veterinarian since the last inspection and said that it had been recommended to feed her puppy food however she was still feeding "Lily" adult food. It is important to follow the treatment plans established by the veterinarian otherwise it

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

Title:

Date:

06-APR-2018

Date:

06-APR-2018



Inspection Report

could increase the risk that the animal does not improve or the condition could worsen.

The licensee must ensure that the PVC and all treatment plans of the veterinarian for all of the animals are followed at all times. If the animal's condition does not seem to be improving or is worsening, then the licensee must follow-up with the veterinarian. The licensee must ensure that all treatment plans are followed and that all animals receive adequate veterinary care at all times

2.50(a)(2)

TIME AND METHOD OF IDENTIFICATION.

-There were a total 20 puppies which were less than 16 weeks of age at the facility that did not have individual identification. The un-weaned puppies were in one of five litters being housed as a litter with their dam. Identification is required in order to ensure that each animal's identity can be known with certainty and to facilitate record keeping requirements. The licensee must ensure that all dogs less than 16 weeks of age are identified by an official tag as described in Sec. 2.51, a legible tattoo approved by the Administrator, a microchip, or a cage card (if maintained as a litter with their dam and housed within the same primary enclosure). To be corrected by: April 9, 2018.

3.1(f) REPEAT

HOUSING FACILITIES, GENERAL.

-On the ground, directly adjacent to at least 3 outdoor enclosures housing Saint Bernards and/or Boxers, there is an accumulation of waste, including feces, hair and other material such as leaves.

-The outdoor portion of an enclosure housing 2 adult Miniature Pinschers contained a dirt/pea gravel type ground floor that was very wet compared to the enclosures located on either side of it. The wet enclosure contained small to moderate sized puddles of water throughout the enclosure and had a very muddy appearance. The dogs inside this enclosure had fur that appeared wet and was covered with mud on their feet, legs and abdomens; there was also mud splattered throughout their fur on the tops of their backs and heads. The indoor portion of this enclosure had a heavy build-up of dirt, mud, fecal material and grime covering most of the entire floor and around some of the access door. This enclosure housed an adult female Miniature Pinscher "Fiona" that had loose stools.

This accumulation of waste material next to the dogs' enclosures and standing water inside of the enclosure increases the risk of pests, odors and other disease hazards. The standing puddles of water in animal enclosures must be drained or mopped up so that the animals can stay clean and dry at all times. The licensee must establish and maintain a program that provides for the regular and frequent removal of animal and food waste, water and debris from the kennel area to protect the dogs from pests, odors and other disease hazards at all times.

3.7(b) DIRECT

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

Title:

Date:

06-APR-2018

Date:

06-APR-2018



Inspection Report

COMPATIBLE GROUPING.

-According to the licensee and a facility representative there were 2 adult female Saint Bernards, "Annabelle" (#941000014961402) and "Meya" (0A01441848) that did not get along and had recently gotten into a fight. During the inspection, the females were housed together with another male Saint Bernard. According to the facility representative, she suspected that the females had recently been in a fight because she had noticed on Tuesday that "Annabelle" was limping on her right front leg which appeared swollen with a suspected bite wound on it. "Meya" also had a puncture-like wound that appeared to be a bite wound on her right front leg which had not been previously noticed by the facility. Both females were also very thin. While looking at the dogs and their current conditions, the dogs began to intensely fight. The facility representative sprayed the dogs with water from a hose to get the dogs to stop fighting. "Meya" appeared to have fresh red blood-like material around the neck. She was also observed licking at her right front leg. When the facility representative was asked about separating the dogs and why the 2 were still housed together despite the fighting, wounds and thin body conditions she replied that there was no other place to put them and they did not have space to separate them.

-In addition to the thin body conditions of "Annabelle" and "Meya", there were two additional dogs that appeared to be very thin that were each housed with at least one additional dog during the inspection. These dogs included adult female Boxer "Lily" (0A02082504) and female Miniature Pinscher "Harper". Another adult female Miniature Pinscher "Layla" was previously included on the report for the inspection conducted on 3/22/18 for being very thin was co-housed with additional adult dogs. According to the licensee, she thought that these dogs could be thin due to getting "bullied" by another dog in each enclosure over the food.

Dogs that are not compatible with each other but continue to be housed together increase the risk of dog fights and/or other dominant behaviors which can increase the risk of injury, infections, malnutrition or other veterinary medical conditions including death to one or more of the dogs. The licensee must ensure that dogs that are housed in the same primary enclosure are compatible and that any dog exhibiting a vicious or overly aggressive disposition is housed separately at all times. To be corrected by: April 6, 2018.

3.10 DIRECT REPEAT

WATERING.

-There were at least four enclosures housing adult dogs that contained water receptacles located on the ground in the outdoor portion of their enclosures. The water in these receptacles did not appear potable. Two enclosures each contained water that was light to golden brown, opaque and mud-like. One of these enclosures housed 2 dogs, one of which was an adult female Miniature Pinscher "Fiona" that had loose stools. Another enclosure contained a small amount of water with a couple of worms in the center of the receptacle. This enclosure housed 5 dogs, one of which was an adult female Miniature Pinscher "Haper" that appeared very thin. There was another enclosure with water that appeared dark golden yellow with debris in it. When asked about the last time fresh water had been given to

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

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Date:

06-APR-2018

Date:

06-APR-2018



Inspection Report

these animals, the facility representative stated that it had been the night before last. Lack of potable water can decrease an animal's intake of water, could increase the risk of disease hazards or adverse medical conditions. The licensee must ensure that all of the dogs are offered potable water as required. The facility representative provided fresh water as requested during the inspection.

3.11(a) DIRECT REPEAT

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

-There were at least 8 enclosures throughout the facility housing dogs that contained greater than a day's worth of feces. Some of the enclosures were in the outdoor facility and others were in the indoor and/or outdoor portion of a sheltered building. One enclosure within a sheltered building housing two Miniature Pinschers had a heavy accumulation of mashed and caked fecal material as well as dirt and grime covering the entire flooring of the indoor portion of their enclosure; there was not enough room for all of the dogs to occupy the indoor portion of the enclosure without walking, standing, sitting or laying in this material. There were additional enclosures that contained enough feces that the dogs were walking through it to maneuver through the enclosure. There were feces that had been mashed and dried into the floors of many of the enclosures. Also, some of the feces had hair embedded into the dried feces and some had mold-like discoloration observed on the feces. When asked about when these enclosures were cleaned, the facility representative stated they were last cleaned this past weekend on Sunday, approximately 4 days prior to inspection. Accumulations of waste products increase the risk of disease hazards and create an unhealthy environment for the animals. The licensee must ensure that all waste material is removed from the primary enclosures daily as required.

3.11(b)(2) DIRECT REPEAT

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

-There were hard surfaces in contact with the dogs that had an excessive build-up of dirt, mud and/or grime. Within a sheltered building, there were at least 2 enclosures that had an excessive build-up of dirt/mud, mashed feces and grime on the floors, lower portions of the walls and around some of the access doors. The build-up was so heavy that the dogs would not have a place to stand, walk, lay or sit without being in this material. One of these enclosures housed 5 dogs, one of which was an adult female Miniature Pinscher "Haper" that appeared very thin. The other enclosure housed 2 dogs, one of which was an adult female Miniature Pinscher "Fiona" that had loose stools. According to a facility representative, the enclosures were last cleaned over the weekend. The build up of dirt and grime can increase the risk of disease hazards in the dogs. The licensee must ensure that primary enclosures and food and water receptacles are sanitized at least once every 2 weeks or more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta and other disease hazards.

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

Title:

Date:

06-APR-2018

Date:

06-APR-2018



Inspection Report

-The adult female Miniature Pinscher "Layla" included on the report for the inspection conducted on March 22, 2018 under 2.40 (b)(2) had been addressed.

The focused inspection and a preliminary exit interview were conducted with the licensee and a facility representative on April 5, 2018. The exit interview was completed on April 6, 2018.

Additional Inspectors

Heine William, Animal Care Inspector

Prepared By:

LEISNER ERIKA, D V M

LEISNER ERIKA, D V M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6037

Received By:

Title:

Date:

06-APR-2018

Date:

06-APR-2018



Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
17392	43-A-5947	001	CORY MINCEY	05-APR-18

Count	Scientific Name	Common Name
000058	<i>Canis lupus familiaris</i>	DOG ADULT
000020	<i>Canis lupus familiaris</i>	DOG PUPPY
000078	Total	

Exhibit 26



Inspection Report

RIVERSIDE, IA

Customer ID:

Certificate:

Site: 001

Type: ROUTINE INSPECTION

Date: 10-JUL-2018

3.1(c)(2)

HOUSING FACILITIES, GENERAL.

At least 5 enclosures in the whelping area housing 11 dogs have worn and chewed wood surfaces as well as chewed and worn plastic wall panels. In one of the outdoor pens housing 4 dogs, the 6 by 8 foot dog shelter had one side panel ripped upward from the structure along the bottom allowing dogs to squeeze through the opening and exit the shelter. Surfaces that are not maintained cannot be properly cleaned and sanitized to prevent an accumulation of dirt, debris and other disease hazards. Surfaces not in good repair can fail to protect animals from the elements and cause injury to them.

Surfaces of housing facilities and enclosures must be maintained and repaired or replaced when worn and unable to be properly cleaned and sanitized.

To be corrected by: July 24, 2018.

3.11(b)(2)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

There was an excessive buildup of thick dark brown to black layer of dirt, grime and debris on most of the inside plastic wall panel surfaces of at least 6 enclosures housing at least 12 dogs in the whelping area. There were cobwebs with spiders located on and within many enclosures. An excessive number of flies were present on the dirty walls and wet bedding within the enclosures.

Water buckets for the adults, and puppy water receptacles in 5 pens housing 8 dogs were dirty. Open water buckets contained sawdust bedding and there was a thick build-up of dark black to dark brown dirt, grime, hair, etc on the rim of many of the water buckets. Plastic puppy water receptacles had a layer of grime in the bowl and a layer of orange-ish brown film visible on the inside of the tank. The licensee agreed that the water receptacles often

Prepared By:

STENERODEN KATIE, D.V.M

STENERODEN KATIE, D.V.M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6126

Received By:

Title:

Date:

12-JUL-2018

Date:

12-JUL-2018



Inspection Report

developed a layer of film on the inside as time passes. The metal feeders also had a buildup of dark brown to black grime. Licensee says they clean them out as needed.

Failure to properly clean and sanitize water receptacles can lead to disease hazards that can affect the health and well being of the dogs. All food water receptacles and primary enclosures being used must be sanitized at least once every two weeks or more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta and other disease hazards.

To be correct by: July 17, 2018.

3.11(c)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

In the outdoor housing area, 10 pens containing 49 dogs contained overgrown weeds. The majority of weeds were very tall, at least 3 feet high, dense and covered at least half of the pen area. Weeds can obscure vermin and holes that the dogs could fall into and they can also harbor external parasites that carry disease. Weeds and grasses must be controlled to facilitate pest control and to protect the health and well being of the animals.

To be corrected by: July 17, 2018

3.11(d)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

In the whelping area, containing 53 adult dogs and puppies, there were excessive number of flies present. The licensee indicated that they do not have a plan for fly control and no fly strips were present. Cobwebs were present, filled with spiders and numerous flies, both inside and outside of the enclosures. In the whelping area, evidence of mouse holes were present at the front of the enclosures that lead into the enclosures. The licensee states they periodically use rat bait to control the mice and rats in this area but they were not currently using any method of vermin control. In the outdoor housing areas, near the shelters and underneath the small door used to refill the feeders inside the shelters, there were numerous vermin holes with rodent feces in the ground under these feeders. Pests and vermin can harbor and spread diseases and must be controlled for the health and well being of the animals.

The licensee must have an effective program for the control of insects, and external parasites affecting dogs. The program needs to be maintained so as to promote the health and well being of the animals and reduce contamination by pests in animal areas.

Prepared By:

STENERODEN KATIE, D.V.M

STENERODEN KATIE, D.V.M USDA, APHIS, Animal Care

Title: VETERINARY MEDICAL OFFICER 6126

Received By:

Title:

Date:

12-JUL-2018

Date:

12-JUL-2018



Inspection Report

To be corrected by: July 24, 2018.

This inspection and exit interview were conducted with the facility representative.

Additional Inspectors

Cole Heather, Supervisory Animal Care Specialist

Prepared By:

STENERODEN KATIE, D.V.M

STENERODEN KATIE, D.V.M USDA, APHIS, Animal Care

Date:

12-JUL-2018

Title: VETERINARY MEDICAL OFFICER 6126

Received By:

Title:

Date:

12-JUL-2018



United States Department of Agriculture
Animal and Plant Health Inspection Service

Customer: [REDACTED]

Inspection Date: 10-JUL-18

Species Inspected

Cust No	Cert No	Site	Site Name	Inspection
[REDACTED]	[REDACTED]	001	[REDACTED]	10-JUL-18

Count	Scientific Name	Common Name
000092	<i>Canis lupus familiaris</i>	DOG ADULT
000037	<i>Canis lupus familiaris</i>	DOG PUPPY
000129	Total	

Exhibit 27



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

Linda Perry
Patchwork Kennel
Patchwork Kennel
19776 Farm Rd 2010
Aurora MO 65605

County: Barry
License ID: AC000E99
Inspection Date: 03/28/2019
10:55 AM

NARRATIVE

Inventory Counts:

30	Adult Dog
0	Kittens
7	Puppies
0	Adult Cat

Inspection Conducted by Sandra Greenwell.

CATEGORY I: Compliant item(s) identified this inspection:

Item No: 12. General Requirements for Surfaces and Cleaning

2 CSR 30-9.030 (1) (A) 3. C. Hard surfaces with which the dogs or cats come in contact must be spot-cleaned daily and sanitized in accordance with this section to prevent accumulation of excreta and reduce disease hazards.

1/24/2019 - During today's inspection there was a lack of over all cleaning at the facility. All of the enclosures in the sheltered building, including the two unoccupied enclosures exhibited an accumulation of feces, urine, and hair on the floor of the enclosure and in the interior troughs. The hair coats of the dogs were observed to be soiled and damp as they could not escape the accumulation of waste. The accumulation of feces was directly affecting the dogs in the sheltered building as all of the dogs removed from their enclosures for closer examination exhibited varying degrees of irritation or ulceration to their interdigital skin. One dog developed mild hemorrhage during the course of the inspection by just running and jumping within her soiled enclosure. Licensee shall thoroughly clean the floors of the sheltered building to improve the health and welfare of the dogs under her care and maintain ACFA husbandry standards in the future.

1/29/2019 - A few of the outdoor pens and a little over half of the indoor pens, of the sheltered building, had been cleaned. However, there was still a lack of over all cleaning at the facility. The pens still exhibited an excessive accumulation of feces, urine, and hair on the floor, and some dogs could not avoid contact with their own waste. Licensee shall thoroughly clean and sanitize all the hard surfaces which come into contact with the dogs and spot clean them daily and sanitize them to prevent an accumulation of excreta. This item has not been corrected.

2/7/2019 - During today's inspection at least ten enclosures, in the sheltered building, had an excessive accumulation of feces, urine, hair, and grime on the floor, and some dogs could not avoid contact with their own waste. Licensee shall thoroughly clean and sanitize all the hard surfaces which come into contact with the dogs and spot clean them daily to prevent an accumulation of excreta. This item has not been corrected.

3/28/2019- During today's inspection the floors of the outdoor and indoor pens of the sheltered building and sheltered pens, attached to the house, were generally clean and free of feces, urine, hair, and grime. Licensee shall continue to spot clean hard surfaces, which come into contact with the dogs, daily and sanitize them as often as necessary to prevent an accumulation of excreta and promote the health and welfare of the dogs. This item has been corrected.

Corrected on: 3/28/2019

Item No: 38. Health and Husbandry: Adequate Employees

2 CSR 30-9.030 (2) (F) Each person licensed under the provisions of the Animal Care Facilities Act (ACFA) and who is maintaining dogs or cats, or both, must have enough employees to carry out the level of husbandry practices and care required by this rule. The employees who provide for husbandry and care or handle animals must be properly trained in these activities to the degree that their work performance ensures all standards are met in maintaining of the animals. These employees shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

Prepared By:

Sandra Greenwell, Animal Health Officer

Date: 04/02/2019

Copy Received By:

Date: 04/02/2019



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

1/24/2019 - During today's inspection there was a lack of over all cleaning at the facility. All of the enclosures in the sheltered building, including the two unoccupied enclosures exhibited an accumulation of feces, urine, and hair on the floor of the enclosure and in the interior troughs. Interior walls, exterior walls, doors, and wire walls dividing the outdoor portions exhibited an accumulation of grime, waste, and hair. The hair coats of the dogs were observed to be soiled and damp as they could not escape the accumulation of waste. Accumulation of waste was also observed in the outdoor and sheltered enclosures adjoining the residence. The licensee stated she has a single employee that works 2-3 days per week and the licensee cares for the dogs the remainder of the week. Licensee stated that her employee had not worked since January 13, 2019 due to a family medical issue. Going forward, licensee must have enough employees to carry out the level of husbandry practices and care required by this rule. The employees who provide for husbandry and care or handle animals must be properly trained in these activities to the degree that their work performance ensures all standards are met in maintaining of the animals. These employees shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

1/29/2019 - The licensee, along with the help of individual, has cleaned a few of the enclosures and the walls of the enclosures, of the sheltered building. However, there were several enclosures in which the walls still exhibited an accumulation of grime and waste during today's inspection. The accumulation of waste was so great that several of the animals could not avoid contact with their own waste. Licensee must have enough employees to carry out the level of husbandry practices and care required by this rule. The employees who provide for husbandry and care or handle animals must be properly trained in these activities to the degree that their work performance ensures all standards are met in maintaining of the animals. These employees shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards. This item has not been corrected.

2/7/2019 - The licensee stated that she has added a part time employee to help clean the kennel. However, several enclosures still exhibited an accumulation of grime, hair, and waste on the floors and the walls. Licensee must have enough employees to carry out the level of husbandry practices and care required by this rule. The employees who provide for husbandry and care or handle animals must be properly trained in these activities to the degree that their work performance ensures all standards are met in maintaining of the animals. These employees shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards. This item has not been corrected.

3/28/2019 - During today's inspection there was an overall improvement in the cleaning throughout the facility. Licensee shall continue to ensure that she maintains enough employees to carry out the level of husbandry practices and care required by this rule. This item has been corrected.

Corrected on: 3/28/2019

CATEGORY III: Non-compliant item(s) identified this inspection:

Item No: 29. Primary Enclosure; General Requirements

2 CSR 30-9.030 (1) (F) 1. B. (I) Primary enclosures must be constructed and maintained so that they have no sharp points or edges that could injure the animals.

3/28/2019 - The crawl space for the house which dogs, in the outdoor pen adjacent to the house, can access, had sharp points and edges. The chain-link door, in the same outdoor pen, was broken at the bottom and the wire was sticking out into the pen. Additionally, the dog door in pen 17, of the main kennel building, had a broken metal lip which was swinging as the dog moved in and out of the pen. Primary enclosures must be constructed and maintained so that they have no sharp points or edges that could injure the animals. The licensee shall cover, repair, or replace the sharp edges of the crawl space, either remove or replace the chain-link door, and replace or repair the dog door.

To be corrected on: 4/4/2019

Item No: 35. Health and Husbandry; Watering

2 CSR 30-9.030 (2) (D) 1. Each licensee subject to the provisions of section 273.345, RSMo, shall provide continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants.

3/28/2019 - There were three dogs housed in two of the sheltered pens adjacent to the house that did not have access to water. Licensee shall provide continuous access to potable water that is not frozen and is generally free of debris, feces, algae, and other contaminants.

Prepared By:

Sandra Greenwell, Animal Health Officer

Date: 04/02/2019

Copy Received By:

Date: 04/02/2019



MISSOURI DEPARTMENT OF AGRICULTURE
Division of Animal Health
P. O. Box 630 - Jefferson City, MO 65102-0630

INSPECTION REPORT

Re-Inspection Inspection

To be corrected on: 3/28/2019

Item No: 45. Identification Requirements

2 CSR 30-9.020 (9) (C) All animals shall be officially identified at the time of acquisition, or in the case of puppies or kittens, when weaned or separated from their mother or foster mother.

3/28/2019 - During today's inspection, there were five unidentified weaned puppies being housed in the garage. The licensee was able to provide a description for each puppy with part of a microchip number; however, none of the puppies were microchipped. All animals shall be officially identified at the time of acquisition, or in the case of puppies or kittens, when weaned or separated from their mother or foster mother. Licensee shall identify these five puppies with one of the approved methods.

To be corrected on: 3/28/2019

Item No: 46. Recordkeeping Requirements

2 CSR 30-9.020 (11) (A) 1. E. The date a dog or cat was acquired or disposed of, or both, and the method of disposition, including by death or euthanasia.

3/28/2019 - Since the previous inspection on February 7, 2019, the licensee had one puppy die at her facility. The licensee was unable to provide the date that the animal had died, but stated that it did not live more than a week. Going forward, the licensee shall maintain records that accurately reflect the date and method of disposition, including by death or euthanasia.

To be corrected on: 3/28/2019

CATEGORY V: Non-compliant item(s) identified this inspection:

Item No: 12. General Requirements for Surfaces and Cleaning

2 CSR 30-9.030 (1) (A) 3. C. All other (non-floor) surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices.

1/24/2019 - During today's inspection the interior walls, exterior walls, doors, and wire walls dividing the outdoor portions exhibited an accumulation of grime, waste, and hair. All other (non-floor) surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Licensee shall thoroughly clean the non-floor surfaces of the sheltered building to improve the health and welfare of the dogs under her care and maintain ACFA husbandry standards in the future.

1/29/2019 - During today's inspection there were a few of the non-floor surfaces which had been cleaned. However, most interior walls, exterior walls, doors, and wire walls dividing the outdoor portions exhibited an accumulation of grime and waste. All other (non-floor) surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Licensee shall thoroughly clean the rest of the non-floor surfaces of the sheltered building to improve the health and welfare of the dogs under her care and maintain ACFA husbandry standards in the future. This item has not been corrected.

2/7/2019 - During today's inspection there was still an accumulation of grime and waste on the interior and exterior walls, doors, and wire walls dividing the outdoor portions of the main sheltered building. All other (non-floor) surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted husbandry standards and practices. Licensee shall thoroughly clean and sanitize the non-floor surfaces of the sheltered building to improve the health and welfare of the dogs under her care and maintain ACFA husbandry standards in the future. This item has not been corrected.

3/28/2019 - During today's inspection there was an overall improvement in the cleaning on the interior and exterior walls, doors, and wire walls dividing the outdoor portions of the main sheltered building. However, there was still a build up of grime and waste on several of the interior and exterior walls and doors. Licensee shall thoroughly clean and sanitize the non-floor surfaces of the sheltered building to improve the health and welfare of the dogs under her care and maintain ACFA husbandry standards in the future. This item has not been corrected.

To be corrected on: 1/26/2019

Inspection conducted with
Linda Perry (Licensee)
Dr. Rachel Cook (ACFA District Veterinarian)

Prepared By: Sandra Greenwell, Animal Health Officer

Date: 04/02/2019

Copy Received By:

Date: 04/02/2019

Exhibit 28

NEWS


Colorado animal rescue saves discarded dogs, finds homes for them



Colorado facility rescues discarded dogs, then finds homes for them

Posted: Nov 21, 2012 / 07:59 PM MST / Updated: Nov 21, 2012 / 10:05 PM MST

This is an archived article and the information in the article may be outdated. Please look at the time stamp on the story to see when it was last updated.

 Data pix.

SAS ERROR

Invalid Authorization Response

RELOAD YOUR SCREEN OR TRY SELECTING A DIFFERENT VIDEO

PEYTON, Colo. -- Tucked away on the plains east of Colorado Springs is a haven for discarded dogs.

National Mill Dog Rescue is located in Peyton, Colorado.

Volunteers have rescued nearly 7,000 dogs since it was founded in 2007. They receive necessary veterinary care, then are rehabilitated and adopted to loving homes.

Almost all the dogs that are rescued by the organization are purebreds and have been released by commercial breeders for various reasons.

Among them – the dogs may not be able to produce puppies any longer, they may be old or sick, or the breeder might be going out of business.

When puppies are given up, it might be because they are too old to sell to pet stores.

National Mill Dog Rescue works with the breeders to take the dogs they no longer want.

Theresa Strader, the founder of the organization says, “I was quickly able to work actually directly with breeders building that trust relationship. I say, ‘Look, I don’t like what I see but you know, I’m not here to tell you how to run your life or whatever, I’m here to say I’m willing to take the dogs that you no longer need or want, that you are going to euthanize – kill in various ways – some of them are unsavory, some of them with a vet. We’re willing to take those dogs and find them a place.’”

National Mill Dog Rescue began because of a dog named Lily.

Theresa Strader rescued Lily from a dog auction in Missouri. The breeder was going out of business, and hundreds of dogs were being sold.

Lily was an Italian Greyhound that was 7-years-old.

Strader recalls the moment she saw Lily. “Seeing Lily in that cage, it didn’t take five seconds for me to know what I’m going to do with the rest of my life. Lily was disfigured. She was missing her lower jaw just from years of no dental care. Her jaw literally rotted off. I could see that in the cage. It was very dim in there but I could see her. She was backed in the corner of the cage, her jaw was gone, and her tongue was hanging down. She looked right into my eyes – right in my eyes. And I whispered into that cage, I said, ‘I’m going to take you from this hell and love you ‘til you die.’ She came across the auction block for \$20. I got that dog for \$20, and because of that dog, for my family and everything we give to this organization every day; it is all in honor of that dog. “

Critics say there are dogs in Colorado shelters that are waiting to be adopted and that additional animals should not be brought in from other states.

While Strader agrees that dogs currently in shelters in Colorado are deserving of homes, she disagrees that rescuing so-called “puppy mill” survivors compromises their chances of being adopted.

“First of all, you can’t turn somebody who wants that Malti-Poo puppy or that Poodle puppy or that Yorkie puppy - they’re not necessarily going to run down to a shelter and get a Pit Bull or a Lab mix or whatever – also extremely deserving dogs. Hopefully, some of the dogs we bring back will satisfy that. The truth is, until somebody has seen a dog living the way that they do in a big commercial breeding farm, until you’ve seen and experienced that, you might not make too much comment on whether or not those dogs deserve to be rescued.”

Strader stresses while National Mill Dog Rescue will not turn away any animal in need, its primary mission is rescuing dogs from commercial breeding kennels.

“Are we going to continue to pretend this isn’t a big problem? Who is going to speak up for those dogs? If not us, then who?”

Strader was featured in People Magazine in its “Heroes Among Us” segment in the November 19, 2012 issue. For more information about National Mill Dog Rescue, you can visit www.milldogrescue.org. Phone: 719-495-DOGS (3647)

National Mill Dog Rescue is featured in the documentary, “I Breathe: Lily’s Legacy.” It is available on [YouTube](https://www.youtube.com/watch?v=...).

Story by: Jene Nelson

Exhibit 29

PRICEONOMICS

CONTENT BOOTCAMP ([HTTPS://PRICEONOMICS.TEACHABLE.COM/P/PRICEONOMICS-CONTENT-MARKETING-BOOTCAMP/](https://priceonomics.teachable.com/p/priceonomics-content-marketing-bootcamp/)) DATA STUDIO
 (/THE-PRICEONOMICS-DATA-STUDIO/) TRACKER ([HTTPS://TRACKER.PRICEONOMICS.COM](https://tracker.priceonomics.com)) DATA VISUALIZATION
 ([HTTPS://ONOMICS.COM](https://onomics.com))

(/pets-in-america/)How We Treat Pets in America

Share (<https://www.facebook.com/sharer/sharer.php?u=http%3A//blog.priceonomics.com/post/44230885813/how-we-treat-pets-in-am>)



Nuubu Japanese Patche

nuubu.com

Open

In America, the pet industry is big business. Americans own (<http://www.asPCA.org/about-us/faq/pet-statistics.aspx>) over 86.4 million cats and 78.2 million dogs. The number of households that have pets even tops the number that have children. In 2011, Americans spent (http://www.americanpetproducts.org/press_industrytrends.asp) nearly \$51 billion on pet expenditures.

Pets are a beloved member of American families. Our love affair with dogs and cats has produced luxury pet spas, home-cooked doggie meals, and countless children begging their parents for a pet. Despite the adoration Americans have for pets, however, we exterminate (http://www.humanesociety.org/animal_community/resources/qa/common_questions_on_shelters.html#How_many_animals_enter_an) three to four million of them each year in shelters across the country. We kill them by lethal injection.

(http://www.buzzfeed.com/paws/sad-puppies-that-will-ruin-your-day?sub=1426726_134803)

We find this perplexing. Americans love pets, treat them as family members, and kill millions of them. Our relationship with pets seems to be an odd juxtaposition of compassion and cruelty. What's going on with the pet industry in America?

Where do all these pets come from? Who profits from breeding them? Why do we keep killing them?

Where Do Puppies and Kittens Come From?

American families keep approximately 165 million dogs and cats as pets, and seventeen million Americans acquire (<http://www.americanhumane.org/animals/adoption-pet-care/issues-information/pet-overpopulation.html>) a pet each year. The majority of these come from outside of formal channels. Forty two percent of pets are acquired from an acquaintance, and an additional 14% are strays - mostly cats (there are 70 million plus (<http://www.asPCA.org/about-us/faq/pet-statistics.aspx>) stray cats and dogs in America).

Through more formal channels, 22% of dogs and cats are purchased from pet stores or commercial breeders and 17% are adopted from a shelter or rescue organization.

Data Source: Oxford Lafayette Humane Society (http://www.oxfordpets.com/index.php?option=com_content&view=article&id=61)

Pets get abandoned. At any given time, approximately six to eight million (http://www.healthypet.com/PetCare/PetCareArticle.aspx?title=Why_Do_Pets_End_Up_in_Shelters) pets are in a shelter, the modern, more humane equivalent of dog pounds. They attempt to return lost pets to their owners and rehabilitate dogs and cats for adoption. To find them good homes, many perform background checks or even make stringent demands on owners: a fenced in backyard, an understanding of pet ownership, and a commitment to obedience training and being home during the day.

(<http://www.animalrescuesoc.org/>)

Only half

(http://www.humanesociety.org/animal_community/resources/qa/common_questions_on_shelters.html) of the pets that move through shelters every year find homes. Since shelters do not re-release animals for public safety reasons and for the good of the pet, they would fill up until conditions are unbearable. Instead, the other half are killed. That means three to four million are put down each year.

Given how quickly shelters fill up, veterinarians and pet advocacy groups recommend that dogs and cats be spayed or neutered to combat overpopulation. Shelters, rescue organizations, and breeders seen as “responsible” all do. This is often mandated by local law. Many pet stores, breeders, and private owners do not. This crowds out the market for rescued and stray pets, indirectly contributing to high euthanization numbers. Every puppy sold or given away, the argument goes, makes it more likely one in a shelter will be put to death.

But the focus on overpopulation can also obfuscate the cause of euthanizations. Of the pets received by shelters, 30% (<http://www.aspc.org/about-us/faq/pet-statistics.aspx%20%5B50%20and%20http://www.oxfordpets.com/index.php%20>) to 50% (<http://www.aspc.org/about-us/faq/pet-statistics.aspx>) come from owners relinquishing their pets, and the rest are picked up by animal control. The most common reasons cited (http://www.healthypet.com/PetCare/PetCareArticle.aspx?title=Why_Do_Pets_End_Up_in_Shelters) by owners leaving their pets? They were moving, the landlord did not allow the pet, they had too many animals, or they could not afford the cost of food and veterinary care. Regardless of the reason, if you turn in your pet to a shelter, it's a coin flip whether it will end up dead or with a new family.

Breeding and Overbreeding

If you don't get your pet from a shelter or friend, breeders are the other option.

A small number of them have a business model resembling an artisanal shop: they breed a small number of (usually) purebred animals every year. They also maintain an ethos of professionalism and concern for their animals' welfare; they specialize in one breed, work to maintain its purity, and screen their customers to vet out irresponsible pet owners.

(<http://thelocaldog.wordpress.com/category/ethical-dog-breeder/>)

These breeders can raise their dogs in idyllic conditions of sunny farms, financed by the high premium placed on purebreds. But the obsession with purebreds, especially in dogs, can go too far. The inbreeding done to select certain characteristics for dogs, as well as the highly exaggerated features of some breeds, can result in genetic and medical problems.

They range from mild - the popular labrador breed almost invariably suffers from eye and knee problems - to extreme: the bulldog's large head, flat face, and wrinkled snout leave it unable to mate or give birth without a caesarian section. They can barely breathe and exercise. One study (http://www.nytimes.com/2011/11/27/magazine/can-the-bulldog-be-saved.html?pagewanted=all&_r=0) on the problems bulldogs face concluded, “Many would question whether the breed's quality of life is so compromised that its breeding should be banned.”

The Pet Factories

The vast majority of dogs that are bred to be sold do not emerge from utopian pastures - they come from commercial breeders.

There are anywhere from 2,000 (<http://www.aspc.org/Fight-Animal-Cruelty/puppy-mills/puppy-mill-faq>) to 10,000 (http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy_mills_facts_figures_2012.pdf) commercial breeders in America that produce approximately two million animals a year, mostly dogs. Critics call these large scale dog breeding operations “puppy mills” - a term they apply to any breeder that places profits over the well being of their dogs.

The United States may be already overpopulated with dogs and cats, but breeding offers a serious potential for profit. A large dog breeding operation is capable of six figure profits.

The average female breeding dog can produce 9.4 (http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/puppy_mills_facts_figures_2012.pdf%20) puppies per year. Puppies can command prices north of \$1,000, especially if they are purebred. An average, aggressive puppy mill may have 100 female dogs and sell their puppies for \$500 each wholesale or more retail. That operation will make almost half a million dollars in revenue per year and each dog will generate approximately \$4,700 per year.

This is a decent amount of revenue per dog, but it could easily be eaten up by the costs of pet care. To maximize gross margin and profit, it's critical these puppy mills keep their costs low.

How Puppy Mills Maximize Gross Margin

Looking into the operations of commercial breeders reveals pretty disturbing practices. The cold logic of profit maximization means these businesses can only profit by minimizing their expenditures on the animals they use for breeding.

Wikipedia paints the picture (http://en.wikipedia.org/wiki/Puppy_mill):

Puppy mills usually house dogs in overcrowded and unsanitary conditions, without adequate veterinary care, food, water and socialization. Puppy mill dogs do not receive adequate attention, exercise or basic grooming. To minimize waste cleanup, dogs are often kept in cages with wire flooring that injures their paws and legs. It is not unusual for cages to be stacked up in columns. Breeder dogs at mills might spend their entire lives outdoors, exposed to the elements, or kept inside indoor cages all their lives. Oftentimes, after the breeder dog has reached the age of 4 years, it is no longer needed and killed. Sometimes the puppy mill owners will have a contact person who collaborates with rescues. The rescue will receive a phone call with the number of breeder dogs and types. The rescue then can save the breeder dogs from death. Once adopted, it can take a year or more for the dog to relax and allow human touch.

A number of rescue organizations have performed raids, and the accounts (http://www.youtube.com/watch?v=C34ML7b_WuM) are heartbreaking: stacks of wire cages and crates crowded with dogs, rescuers in gas masks handling scared animals, and sick dogs with matted hair, skinny bodies, and glazed eyes.

These raids occur on the basis of compelling evidence of animal cruelty. But the average puppy mill is not actually illegal. One minimum standard under the Animal Welfare Act, the sole federal law regulating these breeders, only requires (<http://www.aspc.org/Fight-Animal-Cruelty/puppy-mills/laws-that-protect-dogs>) that an animal be kept in a cage six inches longer than its body in any direction - even if never allowed out of the cage. As a result, some three thousand puppy mills, which only meet minimum standards like these, are certified and inspected by the US Department of Agriculture. Meanwhile, mills selling directly to the public, rather than through another seller, are not subject to any federal law, and often to no state law.

As a result, pet advocates assert (<http://www.aspc.org/Fight-Animal-Cruelty/puppy-mills/puppy-mill-faq>), almost any puppy bought from a pet store or online (or from any breeder that does not insist on a site visit to see the puppy with its parents) came from a puppy mill. In a famous piece (<http://www.oprah.com/oprahshow/Investigating-Puppy-Mills/>) of reporting, the owner of a dog rescue association took Oprah to a pet store. They played with a few adorable puppies, then tracked their parents to puppy mills like the ones described above.

These mills sell millions of dogs per year. By selling pups through brokers, pet stores, or online, breeders can sell puppies without customers ever being wise to the plight of the puppies' parents. Auctions throughout the Midwest allow breeders to swap dogs. Unlike many Americans, they view animals dispassionately as tools. One auctioneer asked (http://www.sourcewatch.org/index.php?title=Puppy_mills) his audience, "... where else you gonna find something to produce you over \$2,000 gross in a year?" and reminded everyone that the dogs, "Got their whole lives in front of 'em to work for ya..."

Breeders do not need to maintain even minimum federal standards: Internal audits (<http://www.examiner.com/article/audit-of-usda-puppy-mill-inspections-finds-usda-ineffective-at-enforcing-the-animal-welfare-act>) of the USDA have consistently found that they are unable to effectively monitor dog breeders. In an extreme example, inspectors found dogs that resorted to cannibalism, but did not immediately revoke the breeder's license, while other serious violations resulted only in warning after warning.

A rare study (<http://philpapers.org/rec/SMIAPC-2>) on pet shops and puppy mills in California found that 44% of those visited had sick or neglected animals" and 25% "did not have adequate food or water" for the animals. There is every reason to suspect that outside of California, in states like Pennsylvania and Missouri where the majority of mills exist in a climate of less animal cruelty concern, those numbers are much worse.

A Cash Crop

Pets have been around for a long time. In Europe, many dogs escaped their kennels and breached their owners' homes centuries ago. Mary Todd Lincoln, when asked about her husband's hobbies, described (<http://opinionator.blogs.nytimes.com/2011/07/06/the-dogs-and-bears-and-camels-of-war/>) them as follows: "cats." But while pets experienced a life of comfort and love in 19th century America, the view of dogs, cats, and other animals as worthy of respect and care is a relatively recent phenomenon.

After the Civil War, as urbanization began to rapidly move Americans off farms and into cities, selling pet animals to consumers became an industry serving the middle class. Attitudes toward pets followed a "Victorian ethic" (<http://www.nytimes.com/2006/03/26/books/review/26becker.html>) by which compassion for animals was seen as civilized and cruelty as "one outward expression of inward moral collapse."

We might assume that today's pet owners, who lavish as much attention on pets as their own children, are the height of pet adoration. But the 1800s saw devotion every bit as maniacal. According to one inspired account (<http://www.nytimes.com/2006/03/26/books/review/26becker.html>):

The most inspired pet-keeping was surely practiced by the Rankin children of late 19th-century Albany, who turned a hutchful of rabbits “rescued from their fate as someone’s dinner” into a carefully documented kingdom that was reorganized as a republic, complete with a declaration of independence, a census, a postal system and taxes. Over the years, the Bunnie States of America spun off a map company and a medical college.

(<http://fineartamerica.com/featured/dog-cart-19th-century-granger.html>)

This co-existed, however, with inhumane treatment for animals not kept as pets. The phrase “dog days of summer (http://en.wikipedia.org/wiki/Dog_days)” took on new meaning as city-dwellers systematically hunted (http://books.google.com/books?id=NNrlt_jPKHAC&q=%22dog+days%22#v=snippet&q=%22dog%20days%22&f=false) down dogs in return for bounties to prevent the spread of rabies; Manhattan’s stray dogs were caught, locked in a cage, and lowered into the East River to be drowned on a daily basis (<http://www.asPCA.org/about-us/history.aspx>). Americans generally justified this cruelty as part of the “natural order.” Man had dominion over animals, and could treat them as he saw fit. The majority of Americans, even pet owners, saw no reason to afford any rights to a stray or working animal.

The first puppy mills arose after World War II. According to dog rescue organizations, the US Department of Agriculture encouraged farmers to breed puppies as a new “cash crop” for the burgeoning pet store market. No oversight or laws existed on the practice. Unsurprisingly, farmers that had been devastated by the Great Depression, survived World War II, and used animals as tools did not prioritize the comfort of the dogs. They remained locked inside refashioned chicken coops, without access to veterinary care or “socialization” with humans and other dogs.

While puppy mills had poor conditions, the view of puppies and dogs as a commodity meant that they were euthanized and discarded in large numbers. In the words ([http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats/\(page\)/2](http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats/(page)/2)) of the president of a New England animal shelter:

“In the past, it was acceptable to throw an animal away, the way you would an old television set. You would just bring them to the shelter and dump the old dog you don’t want anymore.”

(<http://www.petside.com/slideshow/pets-occupy-precarious-places/occupytrashcan%5D>)

This was equally true of shelter workers:

“For a long time, it’s just what you did. [Animals] came in; you killed them. No one thought that was wrong.”

Pet owners felt no qualms dropping off their unwanted dogs, while pet stores dropped off puppies that grew too old to sell and breeders discarded animals that could no longer breed. By 1970, shelters - overcrowded with adoptable but unwanted dogs and cats - euthanized over 20 million (<http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats>) animals.

Four Decades of Change

In 2011, the number of animals euthanized stood at approximately three million, an incredible decrease from the 20 million mark in 1970, especially considering that the number of pets has doubled from 80 million dogs and cats to 160 million, according to the American Society for the Prevention of Cruelty to Animals.

Data source: Los Angeles Animal Services

(<http://www.laanimalservices.com/PDF/reports/annual/2008%20Statistical%20Report%20LA%20Animal%20Services.pdf>)

The movement to spay and neuter dogs and cats - sterilize them to decrease the population of unwanted animals - began in 1971 when a Los Angeles shelter opened a low-cost spay/neuter clinic. It framed sterilization as an issue of compassion. In its first four years, spaying and neutering increased (http://www.humanesociety.org/animal_community/resources/timelines/animal_sheltering_trends.html) from 10% to 51% in Los Angeles among licensed dogs. Crucially, the clinic and its followers not only spread spaying and neutering as a norm (both among shelters and through outreach programs), but also subsidized the cost of the procedure - a crucial point for low-income pet owners considering that sterilization costs several hundred dollars today.

States and local government also began mandating the practice of spaying and neutering. Some require pet owners to sterilize their pets or face a penalty; others mandate it. A minority require pet stores to spay and neuter all dogs and cats. The laws are not uniform, but 30 states (<http://www.idausa.org/facts/spayneuter.html>) have some form of spay/neuter laws. As a result, 78% (<http://www.asPCA.org/about-us/faq/pet-statistics.aspx>) of pet dogs are spayed or neutered, and sterilization is considered (<http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats>) “a standard practice of care,” with unsterilized dogs an exception among pet owners where it was once the rule.

The improving lot of pets can also be linked to the establishment of responsible pet care as a norm. Whereas pets were once a commodity or tool to be used by people, a myriad of organizations now publish manuals that sternly lecture on the responsibilities that come with the “privilege” of pet ownership. Online searches on where to buy a puppy return hundreds of articles on the evils of puppy mills and retail pet stores. Anyone posting to an email list or online forum asking where to give up their pet can expect to face a horde of self-righteous, finger-wagging pet advocates.

With increased care for the welfare of pets came increased resources to improve their treatment. The amount shelters spent on animal protection increased ([http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats/\(page\)/2](http://www.csmonitor.com/USA/Society/2012/0210/Behind-the-big-drop-in-euthanasia-for-America-s-dogs-and-cats/(page)/2)) from roughly \$1 billion to \$2.8 billion from 1975 to 2007, accounting for inflation. Rescue and advocacy organizations have proliferated. Petfinder, for example, offers links to nearly 14,000 adoption groups.

Increased legal attention has focused on puppy mills in addition to spaying, neutering, and animal cruelty. Many local governments have placed more stringent conditions on dog breeding than the federal minimum, and a number of cities have banned the sale of dogs and cats in pet stores outright to prevent the sale of puppy mill pups: LA became (<http://www.sfgate.com/business/prweb/article/LA-becomes-largest-city-to-ban-sale-of-dogs-4001239.php>) the biggest city to do so in 2012, joining 27 other major cities.

The past four decades have seen dramatic improvement in the lot of America’s dogs. Euthanization has fallen dramatically thanks to legal action, increased resources, and the norms of responsible pet care, which have also taken aim at puppy mills and animal cruelty.

The recession has, however, reversed some of these gains. When we visited the the San Francisco Department of Animal Care, which is mandated to accept any dog in San Francisco for any reason, they described a significant increase in the number of dogs dropped off by owners who could not afford to buy food for their dog or pay for veterinary care, as well as people who tried (and failed) to make cash amongst the hardship of the recession by breeding chihuahua and pitbull puppies.

A Dog’s Life

America’s relationship with pets is a mixed bag. People clearly love their pets, yet we kill millions of them a year. But the number of pet euthanizations keeps dropping as more pets are sterilized, more people adopt, and fewer people treat pets like commodities. If 1970 marked the high-water mark in pet cruelty, massive strides have been made since then.

But focusing only on euthanizations misses part of the story. Hidden behind a cloak of respectability, pet stores and brokers continue to sell puppies that came from exploitive “puppy mills.” Pet-loving Americans are mostly ignorant to the plight of the cute, cuddly creatures that they love to croon over. Many of our phones, shoes, and computers come from factories with abysmal conditions. Perhaps it’s not surprising that many of our pets do as well.

This post was written by Alex Mayyasi. Follow him on Twitter here (<https://twitter.com/amayyasi>) or Google (<https://plus.google.com/106833908565462507571/posts>). He owns a rescued golden retriever mix named Sienna, which is why there are no pictures of cats in this post.

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Published Feb 28, 2013

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Exhibit 30

CORONAVIRUS
Resources

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FORT MYERS

Dozens of puppies heading to local Petland found in filthy conditions

Published: February 23, 2018 6:09 PM EST

Updated: February 23, 2018 6:22 PM EST

Lee County Domestic Animal Services seized 24 puppies from a Petland store on College Parkway right as they were dropped off last week.

Many were disgusted by the filthy conditions these puppies endured on their way to Fort Myers.

"Hard to believe that can be happening in a major pet store. You know this is something you think may be happening in some kind of hidden garage somewhere," said visitor Kevin Doran.

Lee County seized the dogs after they arrived by a Missouri Company—Puppy Travelers LLC. Investigators says the puppies were kept in crowded cages full of feces and urine without any water.

"To think that they're sending them out in large numbers like that is totally unacceptable," said pet owner Lisa Martin.

The company admits to investigators they don't clean the feces until they're back in Missouri.

At one point, animal services say there were up to 127 puppies inside the truck.

"Most of them are in the business because they love pets, but obviously this company may have different motives in how they're handling and transporting the pets," said visitor Diane Doran.

Investigators say some of the puppies' documentation was also altered, incomplete or missing—some didn't have health certificates.

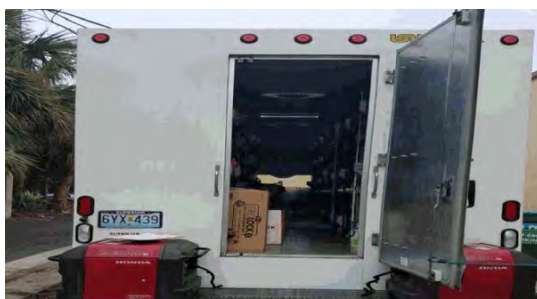
"It's hard to believe that's going on right here in Lee County, right here in Fort Myers but it breaks my heart," Martin said.

Now, many are rethinking where they get their pets from.

Right now, the puppies are with Lee County Domestic Animal Services, being quarantined for several issues. A Petland manager says they were unaware of the traveling conditions on their way to the store.

Warning: Graphic photos could be disturbing to some people. Viewer discretion is advised.

1 of 18 < >





Do you see a typo or an error? [Let us know.](#)



Exhibit 31

Petland, Inc.: Sick puppies, heartbroken families

A new undercover investigation reveals sick puppies at Petland stores in Las Vegas, Nevada, and Kennesaw, Georgia, including dead puppy at Georgia location

Petland, Inc.¹ is an international chain of puppy-selling pet stores with more than 80 locations in the United States. Almost all of Petland's stores sell puppies, with some franchises selling approximately 1,000 puppies a year. The Humane Society of the United States has received more than 1,200 complaints related to sick Petland puppies since 2006.

Two investigations by the Humane Society of the United States in [2008](#) and [2009](#) linked Petland's stores to inhumane, large-scale dog breeders that prioritize profit above animal welfare, known as puppy mills, as well as to distributors, aka brokers, that re-sell puppies en masse to pet stores. Petland claims it has changed its ways, but the Humane Society of the United States continues to



Puppies in the Kennesaw, Georgia, Petland store were often kept in crowded cages, with five puppies sometimes occupying a space more suitable for two. They received no regular exercise outside of their cages. / HSUS, 2018

receive complaints about sick puppies bought from Petland stores across the country. To further investigate, we placed undercover investigators with hidden cameras in two different Petland stores in fall 2018. One investigator worked at the Petland in Kennesaw, Georgia, in September and October, and another worked at the Petland in Las Vegas in November. What we saw was heartbreaking.

Findings included:

- A Kennesaw, Georgia, Petland store employee told our undercover investigator that she sometimes came into work and found puppies who had “passed away.” The employee said this happened about

¹ The Petland, Inc. chain of stores is not affiliated with Petland Discounts chain of stores in NY, NJ and CT.

three times during the four months she had been working there. She also told our investigator she tried hard to save the lives of puppies who were dying.

- After hearing about other puppies who had died at the Kennesaw store, our investigator became suspicious about a black plastic bag in the freezer. When no one was looking, she opened the bag and found a dead puppy inside. She documented the incident on hidden camera.
- At both the Kennesaw and Las Vegas locations, numerous sick puppies were kept in barren isolation rooms out of sight of customers, including puppies who were coughing, lethargic or had mucus coming from their noses.
- A very sick Maltese puppy in the Las Vegas Petland store had been confined in a cage in a back room for about a month, according to an employee. The employee told our undercover investigator they were waiting for him to die. Our investigator found out he was about to be sent back to the distributor, Pinnacle Pet, a massive broker based in Missouri, for a refund. To spare him from an uncertain fate, she asked the manager if she could buy or adopt the puppy herself. But Petland's manager refused to sell him, stating the store had already received a refund for the puppy. He said,



A dead puppy in the freezer at the Kennesaw, Georgia, Petland never got a chance to be part of a family. And at the Las Vegas Petland, our investigator tried to take home a seriously ill puppy to prevent Petland from shipping him back to Missouri for a refund, but the store manager refused. / HSUS, 2018.

“that’s how situations like this are handled.” The puppy was then shipped back on a truck. Our investigator asked the manager, “What do they do with it when they send it back?” He replied, “I have no idea.” The incident contradicts Petland’s website’s [claim](#) that “EVERY puppy finds a home” at Petland.

- A large-breed puppy who was labelled a “jumper” was kept in a stacked cage high off the ground at the Kennesaw store. Our investigator witnessed an employee dropping him while trying to take him out of his cage, and the puppy was seen repeatedly screeching in pain.
- Some puppies at both stores lived for months in crowded cages. Most of the puppies received no regular exercise outside their cages unless potential buyers asked to play with them. In the Kennesaw store in particular, cages suitable for two puppies often held four or five puppies.
- Records obtained by the HSUS from the Georgia Department of Agriculture in November 2018 indicate the Kennesaw store has been inspected multiple times due to puppies with parvovirus, respiratory infections and Giardia, some of which were reported by citizens who had purchased sick puppies. In December 2017, a number of puppies in the store were quarantined for illness. The store passes most of its inspections because it is able to show documents indicating sick puppies are monitored by a veterinarian. But our investigator at the Kennesaw store witnessed several puppy veterinary “exams” that lasted as short as 15 seconds.
- Our investigator saw numerous medications in the back room at the Kennesaw store, including a bottle labelled only “The Cure.” Pet store staff said the concoction had been mixed together by a supervisor at

the store. The bottle did not have a veterinary label nor any ingredients or dosages listed on the label, yet staff said they had been instructed to give it to puppies who had a poor appetite.

- Puppies weren't the only sick or injured animals we saw at Petland. In the Las Vegas store, our undercover employee filmed a bird with a broken wing and another bird with a head injury, both of whom were stored in a glass aquarium in a back room. Other birds had mutilated themselves by plucking out feathers.
- Truckloads of puppies were delivered weekly to both of the stores from out-of-state brokers (re-sellers), which Petland calls "distributors." Some of the puppies in the Las Vegas store came from a distributor, Pinnacle Pet, where nine puppies died after being left on a hot truck in 2015, according to United States Department of Agriculture records. And many of the puppies in the Georgia store came from a distributor in Indiana called Blue Ribbon Puppies, which delivers large numbers of puppies to many of Petland's stores, including all of its Georgia stores², and was linked to an outbreak of a drug-resistant disease by the CDC last year³. The disease, *Campylobacter*, infected more than a hundred people, most of whom contracted it through Petland puppies, according to the CDC's [outbreak advisory](#)⁴.

At the Las Vegas store, in a last-ditch effort to save the sick Maltese puppy and keep him from being sent back to the supplier, our undercover investigator called humane law enforcement. She relayed her concerns about the injured birds as well as the sick Maltese. Humane law enforcement agents came to the store just as the broker truck was arriving to take the puppy away. A few days later, the investigator asked for an update on her complaint. Law enforcement told her that the puppy had received a health check clearing him for travel, and thus they could



A Maltese puppy in the Las Vegas store whom employees said had been born with "a hole in his throat" was shipped back to the broker for a refund, even though our undercover employee offered to purchase him to spare him from an unknown fate. /HSUS, 2018

find no legal reason to prevent Petland from sending the puppy away. It is unknown what happened to the puppy after he left the store, or what happened to the injured birds.

Dead puppies and sick puppies

Accusations of sick animals are nothing new for Petland. In February 2017, a veterinarian who had worked with the Kennesaw, Georgia, Petland store for almost ten years, Dr. Michael Good, wrote a witness affidavit detailing the myriad diseases he saw in Petland's puppies: "There was no way for me to save all of the animals from death

² According to shipping documents obtained by the HSUS through public records requests between 2016 and 2018.

³ According to records the HSUS received as part of a public records request from the Indiana Department of Health in 2018.

⁴ In a later report, the CDC confirmed that additional cases may still be occurring but are no longer being tracked.

and prolonged illness because they were already incredibly sick when they arrived at the store,” he wrote. Dr. Good [told ABC News](#) he had seen numerous dead animals in the freezer at Petland Kennesaw in Georgia – the same store where our undercover employee found the dead puppy in the freezer in October 2018.

“They’d open up their freezer and there’d be dead animals in there,” Dr. Good told the news station. “Dogs: they ask two things of us as people. They want to be loved and they want to be remembered. But none of these animals I saw in those freezers were ever loved or remembered. They were just a statistic.”

Puppies in pet stores are often sick, because many of them come from inhumane and unsanitary facilities known as puppy mills. The puppies are crowded onto large broker trucks with scores of other puppies for shipment across the country, making it easy for a single sick puppy to infect many others. Buyers have reported paying hundreds of dollars, and sometimes over \$10,000 in [veterinary bills](#) trying to treat sick puppies sold by Petland. In many cases, their puppies still died. In addition to more than 1,200 complaints received by HSUS, the website *ConsumerAffairs.com* has more than [580 reviews](#) of Petland, most of them critical. Many of those reviewers also complained of sick and dying puppies, and some said Petland, through its warranty company, refused to compensate them fully for their veterinary costs.

“This has been a nightmare for my entire family and especially my 10 year old daughter as this was part of her Christmas as well. Now we are home without our little Barkley as he is fighting for his life in a local animal hospital.”

- a Kennesaw, Georgia, Petland puppy buyer

Buyers have reported sick puppies from Petland stores across the country, not just the stores that HSUS recently filmed. For example:

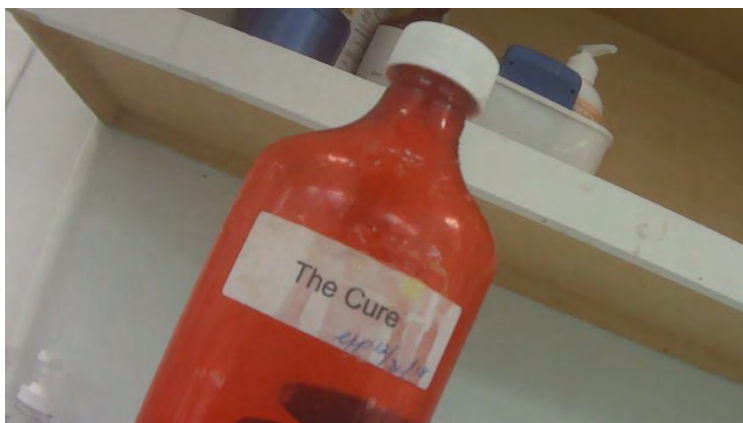
- A woman whose family bought a puppy from the **Sarasota, Florida**, Petland store in September 2018 told the HSUS the puppy collapsed and began having seizures within two days of purchase. The puppy’s issues were linked to a liver shunt, a congenital condition. She wrote, “The vet informed me that the puppy was sold to me sick and that eventually he would have had the seizure that he had early that day because his body had a high level of toxins. My puppy was in a coma and continued to have seizures while under life support. We called Petland [to tell them] what happened and they are not willing to pay the medical expenses for this incident. It was cruel to put a puppy and my family through this.”
- A buyer who purchased a puppy from the **Orlando, Florida**, Petland location in fall 2018 told the HSUS he noticed the puppy was vomiting in the store, but the salesperson assured the family it was nothing serious. They purchased the puppy, but she later became so sick that she had to be euthanized to relieve her suffering. The store then initially refused to cover any veterinary bills.
- A complainant whose boyfriend brought home a puppy from the **Crystal Lake, Illinois**, Petland in 2017 told the HSUS her puppy had multiple, expensive health issues. “Upon looking at her, she had an obvious eye infection. I took her to our veterinarian the next morning. She has kennel cough, pneumonia, a partially collapsed lung, and an eye infection. The pneumonia is so severe that through months of antibiotics, [and] a bronchial levage, she is not better and now has to have a lung lobectomy. I feel they knew how sick she was since [Petland] had her on Baytril at one point before she was sold to us.” The complainant’s boyfriend spent \$2,600 for the puppy, but they accrued \$3,400 in vet bills and would need another \$5,000 to \$6,000 for the puppy’s surgery, the complainant said.

- A complainant who adopted a puppy who had originally been purchased from the **Rome, Georgia**, Petland store in 2015 is still dealing with a disabled pet years later. The puppy suffered from repeated seizures, vomiting, poor development and neurological issues, and required surgery for a liver disorder. Although he survived, the dog still suffered from neurological issues and had permanent disabilities two years after he was originally purchased, according to his new owner.
- A buyer who took home a puppy from the **Kennesaw, Georgia**, Petland store for Christmas in 2017 told the HSUS she paid \$5,000 “for a puppy that was deathly ill.” Shortly after the purchase, the puppy “was vomiting blood and diarrhea with trouble breathing.” He was taken to an emergency veterinary clinic, where “they declared him to be in critical condition and suffering from severe internal bleeding with a huge list of other critical issues caused by a parasite that had gone untreated. He also had pneumonia, an upper respiratory infection and blood sugar so low it was unreadable as well as a dangerously low white blood cell count.” The complainant added, “While I was in the local emergency vet, five other animals came in in critical condition from the same pet store and location with the same symptoms as mine. This has been a nightmare for my entire family and especially my 10-year-old daughter as this was part of her Christmas as well. Now we are home without our little Barkley as he is fighting for his life in a local animal hospital.” Sadly, the puppy passed away shortly thereafter.

Some former employees have confirmed to HSUS and on Glassdoor.com that the puppies in Petland stores where they worked were often sick. One stated on Glassdoor.com, “I saw at least twenty puppies die within my six months [as] an employee.” Another wrote, “Dogs died in my arms.”

Petland distributors linked to drug-resistant disease outbreak, other problems

Undercover investigations from the Humane Society of the United States have found that puppies in pet stores are often dosed repeatedly with strong antibiotics, often at staff discretion and with scant veterinary oversight, to address illnesses like respiratory infections, diarrhea and parasites that are common in puppies raised in large-scale commercial breeding operations. But instead of solving the problem, this has only led to a larger threat—antibiotic-resistant bacteria that can spread to humans, making some individuals who worked with or purchased Petland puppies so sick that they had to be hospitalized.



A bottle labeled simply “The Cure,” which did not have a professional label and had no ingredients or dosages listed on it, was stored with other drugs in the back room at the Kennesaw store. Some of the employees told our investigator that a supervisor told them to give the concoction to puppies with poor appetites, and they did not know what was in it. /HSUS, 2018

In January 2018, the federal Centers for Disease Control and Prevention [reported](#) that a multi-state outbreak of human *Campylobacter* infections had sickened [113 people](#) in 17 different states (a number that later increased to 118 people in 18 states); most of the people infected had had recent contact with puppies from Petland stores, and 23 people were hospitalized. In February 2018, Atlanta news station WSB-TV [reported](#) that a teenager who worked at the Mall of Georgia Petland became seriously ill after being exposed to a puppy harboring *Campylobacter*. The victim, Katie Singleton, was rushed to the hospital with a fever near 105. “It felt like you were dying,” she told the station after spending four days in the hospital.

“It’s something as a parent you don’t think of,” her mother told the news station. “You buy a puppy for Christmas; you don’t think it will be dangerous to your child.”

Consumers have repeatedly sued Petland for allegedly selling sick puppies and misleading buyers, and sometimes for allegedly making their human families ill. A November 2018 lawsuit against the Novi, Michigan, Petland alleges that a consumer became violently ill after purchasing a sick puppy who passed on a *Campylobacter* infection to his owner; the man alleges he, like Katie Singleton, was so ill he had to be [hospitalized](#).

In a September 2018 report, the CDC warned that the over-use of antibiotics in pets sold at pet stores increases public risk for drug-resistant strains of disease. Approximately 95 percent of pet store puppies the [CDC studied](#) had been medicated with strong drugs, sometimes as a preventive measure, which leads to the drug-resistant strains, the CDC report indicated. Because of the [mingling of puppies from different breeders and distributors during transport](#) and in stores, the CDC said it is difficult to pinpoint or contain the sources of disease strains like the recent *Campylobacter* outbreak, and advised pet stores to be more judicious in the use of such drugs.

Most Petland stores receive puppies from massive out-of-state resellers, also called brokers or distributors, located in top puppy mill states such as Indiana, Iowa, Missouri and Ohio. Our investigation found the Kennesaw, Georgia, Petland store and many other Petland stores were still buying from Blue Ribbon Puppies in Odon, Indiana, owned by Levi Graber. Blue Ribbon Puppies was one of the suppliers linked to the *Campylobacter* outbreak by the CDC, according to public records the HSUS obtained from the Indiana Department of Health.

The Petland store in Kennesaw was one of five Petland stores in Georgia alone that received puppies from Blue Ribbon Puppies this year. For example, during the summer of 2018, Blue Ribbon Puppies sold 161 puppies to Petland stores in Dalton, Dunwoody, Kennesaw, the Mall of Georgia in Buford, and Rome, Georgia. Many of the stores received shipments on the same day, indicating the same truck went from store to store. And altogether, the five Petland stores in Georgia received more than 450 puppies from Blue Ribbon and other brokers, including JAKS Puppies in Iowa and Homes for Canines in Ohio, during the same three month period.

In addition, the Las Vegas store and some other Petland stores also received puppies from Pinnacle Pet (Sobrad, LLC), the Missouri broker that was cited by the USDA in 2015 after nine puppies died on an overheated transport vehicle. Both Pinnacle and Blue Ribbon Puppies also sell hundreds of puppies to other Petland stores across the country, including stores in Kansas and Pennsylvania. The two stores we visited and many other Petland stores also receive regular shipments from Choice Puppies, formerly known as the Hunte Corporation, a Missouri broker that has been linked to [puppy mills](#) by both the HSUS and other animal welfare groups.

Conclusion

Our undercover footage shows that sick puppies are part of the day-to-day reality in at least two Petland stores, and we believe that many other stores have similar issues. But for the most part, Petland doesn’t seem to think there’s a problem. Petland, Inc. has given a number of honors to the Kennesaw store or its employees. In 2015, Petland nominated the Kennesaw store for a “[store of the year](#)” award, and Petland gave the store’s manager its “[manager of the year](#)” award in 2016. At its [2018](#) annual convention, Petland gave a “pet counselor of the year” award to an employee at the same location – the location where both our undercover investigator and the store’s former veterinarian saw dead puppies in the freezer.

Petland’s broader history indicates that the issues we captured on camera are not unusual. Problems with veterinary care in the stores is partly to blame, and so is the transport model most pet stores rely on. When

distributors (brokers) obtain dozens of puppies from many commercial breeders and bunch them together on multi-day transports on crowded trucks, they are subjected to extreme stress at a young age, before their immune systems are fully developed. Even a single sick puppy on the truck can expose many others to an infectious illness.

As the holiday season reaches fever pitch, the Humane Society of the United States urges consumers never to buy a puppy from a pet store, because puppies in pet stores are often sick, and many of them come from inhumane dealers known as puppy mills. [Responsible breeders](#) don't sell to pet stores, because they want to meet the families who are taking home their puppies, and stay in touch in case of any problems.

The HSUS recommends visiting an animal shelter as the most humane option when getting a new pet, and if purchasing a pet, to only purchase them from a responsible breeder who will show the buyer where the puppy was born and raised. At shelters and responsible rescue centers, healthy, vaccinated puppies, dogs, cats and other small pets are available for low adoption fees, and most of them are already spayed or neutered.

For more information on how to get a puppy from a responsible source, see humanesociety.org/puppy.

Find out more information visit humanesociety.org

Exhibit 32

Expanded undercover investigation reveals more sick and dead puppies at Petland stores

Investigators went undercover at six Petland stores between Fall 2018 and Spring 2019

Six different Petland stores often failed to take sick puppies promptly to a veterinarian, and puppies sometimes died without receiving professional veterinary care, our newest Humane Society of the United States undercover investigation reveals.

Undercover investigators recently worked in Petland stores in Sarasota¹, Florida; Novi, Michigan; and Tyler, Texas. We also recently exposed issues at three other Petland stores we investigated, in [Kennesaw, Georgia](#); [Las Vegas](#); and [Fairfax, Virginia](#).

The investigations took place between September 2018 and April 2019. At all six locations, we found sick puppies, with illnesses ranging from seizures to respiratory infections, diarrhea and vomiting. Some of the puppies died inside Petland stores² without ever seeing the inside of a veterinary hospital. And while every store had veterinarians who occasionally visited and “examined” animals, the examinations often lasted only about a minute per puppy.



“Panda,” a shih tzu in the Tyler, Texas Petland, was one of three identical puppies who were immediately put in the isolation area when they arrived at the store. All three became ill. Panda was medicated and force-fed by Petland’s staff in a back room. Our investigator later found her lifeless body in the freezer (photo on page 2). Credit: HSUS, 2018.

¹ As of April 2019, the Sarasota store is in the process of moving to a different address but is still under the same management.

² HSUS found dead puppies in the Kennesaw, Georgia, and Tyler, Texas, store, and law enforcement acting on our tip found a dead puppy and 31 dead rabbits in the Fairfax, Virginia, store.

What follows are some of the key issues our investigators uncovered at the three stores we most recently investigated.

In the Tyler, Texas, Petland store (December 2018):

- A brown Chihuahua named Jade started having seizures and was very ill for five days. Staff reported her issues to the store owner, but she was not taken to a veterinarian for almost a week. After she was finally taken to a veterinarian, staff lamented on hidden camera that the store owner, Samit Darne, should have approved taking Jade to the hospital much sooner. The clearly distressed staff member said the owner rarely took sick puppies to the vet, stating: “He doesn’t want to pay that extra money. So really, most of the dogs that go to the vet end up dying because we take them [at the] last minute.” Jade was euthanized at the veterinary hospital after suffering for days.
- Our undercover investigator found the body of a black and white shih tzu puppy in the freezer. “Panda³” was one of three puppies who had originally appeared healthy, but developed lethargy, lack of appetite and mucoid diarrhea after being put in the isolation (sick) room because there was no room for them in the public part of the store when they arrived. One of the shih tzus was eventually taken to a vet, and one recovered and was put back up for sale, but Panda died.
- Petland staff indicated they regularly provided emergency care to gravely ill puppies in the store, instead of taking them to a veterinary hospital. One staff member described a tiny male Chihuahua whom she said was “crashing.” She said, “it looked like it was dead. It would roll over and its head wouldn’t follow its body and it couldn’t stand up.” When our investigator asked, “What’d you guys do?” the staff member answered, “We gave it saline. We injected it with saline which is liquids basically to see if he responds to it.” She said that the puppy had been placed back in the kennel after he perked up, apparently without visiting a veterinarian for a diagnosis. Staff also admitted to force-feeding puppies who had no appetite, instead of seeking immediate veterinary advice.
- Staff were caught on camera discussing the fact that the store’s veterinarian had reportedly told the store’s owner to stop obtaining tiny puppies under two pounds due to their frailty, but the owner allegedly didn’t comply with the advice. The staff said puppies under two pounds were the most likely to



HSUS’s investigator reported to work in the Tyler, Texas, Petland store, only to find the shih tzu puppy we named Panda dead in the freezer. Panda was one of three shih tzus who arrived at the same time and who had become sick after spending days in isolation. Our investigator reported his concerns to local law enforcement. Credit: HSUS, 2018

³ HSUS staff posthumously named the dog Panda Bear.

get gravely ill, experience seizures and sometimes die. One staff member said three puppies had died since June (a six month period).

- The store received such a large shipment of puppies just before Christmas that staff scrambled to figure out where to put them all. Cages were overcrowded, with some cages that would be suitable for two or three puppies instead crowded with eight or nine puppies. The overcrowding made it even more possible for one sick puppy to infect many others.

Our investigator discussed concerns about the sick and dying puppies with local law enforcement, but to the best of our knowledge, no charges were filed.

In the Sarasota, Florida, store (February and March 2019):

- Puppies were frequently sick, exhibiting explosive diarrhea, vomiting or respiratory problems. But instead of being taken to a veterinarian immediately, they were sometimes treated in the store without professional veterinary testing or diagnosis. On one day, the store had 70 puppies and approximately 28 of them were sick.
- In February 2019, two customers came into the store to say that a husky they had recently purchased had canine parvovirus, a highly contagious disease that can be deadly in puppies. Staff were pressured to clean frantically as soon as the illness was reported, but the store didn't reveal the possible contamination to the public, and continued to sell puppies that they knew may have been exposed to the deadly disease. As time went on, computer records viewed in the store indicated that up to seven puppies at a time were isolated on "parvo watch" but customers were not informed.
- The sales staff were under pressure to sell as many puppies as possible with little regard for whether the puppies were healthy or the families were choosing a suitable pet. Financial incentives for selling the expensive puppies could earn "pet counselors" \$100 or more for each puppy they sold. About a week after top managers were notified that puppies in the store may have been exposed to parvovirus, a supervising Petland manager visited the store and gave sales staff a weekend sales goal of \$60,000. This put pressure on the employees to sell as many puppies as possible, as quickly as possible, even if they had recently been ill.
- Puppies who were sick and who had "red tags" on their cages indicating a possible contagious illness were sometimes still removed from their enclosures to be handled by potential buyers, as employees were pressured to meet sales goals and earn commissions.



Overcrowding in the Sarasota, Florida, Petland store. Credit: HSUS, 2019.

- Our undercover employee saw a dead hamster who had been left in a drawer in the back room. As a male employee placed the hamster in the store's freezer, our investigator tried to get a better look at the other bundles in the freezer, asking what else was in there. The male employee informed her, "We don't mess with the freezer for good reasons," and slammed the door shut.

In the Novi, Michigan, store (late March and early April 2019):

- Customers regularly called the store with complaints about sick puppies they had purchased. On one occasion, our investigator watched Petland employees talking to three people who called in about sick puppies during a single shift.



A sick golden retriever in the Michigan Petland store was lethargic and had a runny nose, yet was still up for sale. Our investigator regularly overheard Petland employees talking to buyers who called to complain about sick puppies. Credit: HSUS, 2019

- In the back room, puppies were often treated for issues such as persistent diarrhea, nasal discharge and other respiratory problems. Several sick animals were given medications at the discretion of staff members or managers, instead of being taken promptly to a veterinarian for a clinical diagnosis.
- When their symptoms improved, sick animals were sold, and it wasn't always clear whether the "pet counselors" notified buyers that their puppies had recently been sick or had been exposed to other sick animals.⁴
- A staff member admitted to our undercover investigator that she had contracted *Campylobacter* (a drug-resistant strain of the disease was recently linked to Petland puppies during a Centers for Disease Control investigation) and had been hospitalized for four days. The store was [recently sued](#) for the third time in recent years after a customer who purchased a puppy in the store became similarly ill with *Campylobacter*; he too was hospitalized. The puppy buyer incurred "weeks' worth of medical expenses," according to [news sources](#).
- A store employee stated on camera that all the puppies in the store are routinely dosed with antibiotics, apparently as a preventative measure. The fact that an antibiotic-resistant strain of *Campylobacter* has been linked to the store and that puppies with diarrhea and other symptoms still weren't being routinely tested for the disease is cause for concern.

⁴The Novi store was [sued](#) in 2018 by dozens of puppy buyers who claimed they were sold sick puppies, and it appears that similar complaints are still a regular issue.

- At a March 2019 mandatory meeting for all staff, the store's owner, Randy Horowitz, suggested that a new arbitration clause in their purchase contracts would discourage consumers with sick puppies from filing future lawsuits. Because the clause requires arbitration with the American Arbitration Association (an independent non-governmental tribunal), Mr. Horowitz stated, "they can't take us to court. They can't sue us or anything."



The HSUS investigated six Petland stores altogether between fall 2018 and spring 2019. This report is the third installment of a series, documenting issues at three new stores. The first part of our investigation, released in December 2018, revealed numerous sick puppies and a dead puppy in the freezer at the Kennesaw, Georgia, Petland, as well as a sick puppy in the Las Vegas store who was kept in a back room for weeks before being shipped back to his broker and an uncertain fate, even though our investigator offered to give him a home. This flies in the face of Petland's claim on its website that "every puppy finds a home" at Petland. The second part of our investigation covered the [Fairfax, Virginia](#), Petland store. Released in April 2019, the Fairfax investigation found sick puppies as well as a high death rate in the store's rabbits. Our investigator found and documented more than a dozen dead rabbits in the freezer. After local law enforcement investigated our complaint, they found 31 rabbits and a dead puppy in the freezer. Petland severed its relationship with the Fairfax franchise after we released our footage, and as a result, the Fairfax location quickly [closed](#) down.

Above: a tearful manager in the Tyler, Texas, Petland tried to provide care for a Chihuahua named Jade who had multiple seizures over a five day period. Below: Jade resting in her cage in the back room. By the time the store owner allowed Jade to be taken to a veterinary hospital, she was too sick to save. She was euthanized. Credit: HSUS, 2018



Handling of sick puppies not in line with Petland's claims

Petland, Inc. is an international chain of puppy-selling pet stores with approximately 80 locations in the United States, most of which sell puppies. Most of Petland's stores are independent franchises, but they all operate under Petland's rules and guidelines. Petland's website claims that it is the "retail pet industry leader in the area of animal care," but our investigation found that most of the treatments for Petland's sick puppies were doled out in the store by staff with no professional veterinary training. Ailing puppies sometimes were not taken to a veterinarian until they had been miserably ill for days on end and appeared likely to die, especially at the Texas location.

Most Petland stores receive puppies from massive out-of-state resellers, also called brokers or distributors, located in top puppy mill states such as Indiana, Iowa, Missouri and Ohio. Our [December investigation](#) revealed that many Petland stores were still buying from Blue Ribbon Puppies in Indiana, owned by Levi Graber. Blue Ribbon Puppies was one of the suppliers linked to the drug-resistant *Campylobacter* outbreak that made [118 people](#) sick between 2016 and 2018, according to public records the HSUS obtained from the Centers for Disease Control and the Indiana Department of Health.

Symptoms of *Campylobacter* infection, according to the [CDC](#), include nausea, vomiting, diarrhea that could contain blood, and abdominal pain. The outbreak studied by the CDC and linked to Petland was an especially dangerous, multi-drug resistant strain which put many people in the hospital. In a 2017 [press release](#) published at the start of the outbreak, after the first 39 victims had been identified, Petland claimed it was already following all of the CDC's recommendations for containing the outbreak, and stated that the illnesses were a result of "dog fecal matter (poop) being placed in the human's mouth," implying that the victims were at fault for poor hygiene. But Petland's press release failed to mention that this particular strain of *Campylobacter* was a multi-antibiotic resistant strain. Instead, Petland's statement implied the infection was a routine problem, stating that "any puppy or dog" could carry *Campylobacter* germs, without distinguishing between the more typical infections and the drug-resistant strain linked to Petland puppies. Petland's press release also implied, without citing evidence, that some of the victims may have been infected by eating chicken instead of by handling Petland puppies – a claim that is not in line with the CDC's conclusions.

Even though diarrhea is a symptom of *Campylobacter* infection, parvovirus, and other serious and potentially deadly diseases that infect puppies, the Petland stores we visited appeared to take a cost-cutting approach to dealing with it. When puppies at some of the Petland stores we visited lost their appetite or had bloody or mucoid diarrhea, they were typically treated on an ad hoc basis by non-veterinary staff. More than once, our investigators were told to wash away bloody or mucoid diarrhea, and then witnessed store supervisors directing medication protocols for the puppies – rather than sending the puppy or the stool sample to a veterinarian. This kind of non-professional care could lead to new outbreaks of *Campylobacter* or other significant diseases, putting store employees, customers and their human and animal families at risk.

An April 2019 proposed class action lawsuit alleges that a former Petland Mall of Georgia employee, a minor, contracted an antibiotic-resistant strain of *Campylobacter* at the store, which resulted in her spending four days in a children's hospital and suffering lasting health effects. According to the complaint, Petland falsely represented that their puppies were healthy, concealed symptoms of *Campylobacter* and risk to humans, and failed to prevent sick puppies from coming into contact with employees and the public, at great risk to their

health. The complaint alleges that Petland and its franchisees “have sold thousands, if not hundreds of thousands, of contaminated puppies during the class periods.”⁵

Petland buys from problem puppy dealers, including some we exposed in our “Horrible Hundred” reports

Records the HSUS obtained from the Georgia Department of Agriculture in early 2019 indicate that despite having knowledge that Blue Ribbon Puppies was linked to the drug-resistant strain of *Campylobacter* that allegedly infected some of their puppies, as well as some of their employees and customers, some Petland stores continued to buy puppies from Blue Ribbon. And according to state inspection records, the Kennesaw Petland store received at least two puppies from Blue Ribbon who came down with canine distemper in March 2019. One of them, a golden retriever named Ruby, died. The second puppy, a husky named Bear, was still being treated in the new owner’s home at the time of the state’s inspection. The Kennesaw Petland sold at least six other puppies who had come into contact with the puppies who had distemper, according to the state’s report, and it appeared Petland had not notified those buyers immediately that their puppy may have been exposed to the disease.

Blue Ribbon Puppies is not the only problem dealer that has sold hundreds of puppies to Petland stores, according to documents reviewed by HSUS. At least ten different Petland stores recently purchased puppies from a Frankford, Missouri, dealer, Tiffanie’s LLC (Tiffanie Kurz), where, according to Missouri state records, at least 35 puppies recently died. Both Blue Ribbon Puppies and Tiffanie’s, LLC were listed in the HSUS’s 2019 [Horrible Hundred](#) report.

As we revealed in the May 2019 Horrible Hundred report, Tiffanie’s LLC, a USDA⁶-licensed broker (distributor), was the subject of a state investigation in June and July 2018 which revealed that 35 puppies had died

over a six month period⁷. Some of the puppies died of deadly parvovirus without being taken to a veterinarian, the state’s investigation found. The report noted: “The acquisition/disposition records acquired from Tiffanie’s LLC, with acquisitions starting January 1, 2018 until June 25, 2018 were reviewed. During this time period there were thirty-five puppies that were recorded as having died since being acquired by the licensee.” The state’s



Above: An “AKC inspected” sign in the Sarasota Petland store gives buyers a false impression that the American Kennel Club oversees the health and quality of Petland’s puppies. The AKC is not an animal welfare group and has no law enforcement powers. Credit: HSUS, 2019

⁵ *Dawn Singleton v. Petland Mall of Georgia et. al.*, U.S. District Court, Northern District of Georgia, Atlanta Division [case number 1:19-cv-01477, filed April 2, 2019].

⁶ The United States Department of Agriculture is in charge of enforcing the Animal Welfare Act at operations that sell animals to pet stores.

⁷ According to records HSUS obtained from the Missouri Department of Agriculture.

investigation also found that former employees had complained puppies were neglected at Tiffanie's LLC when they needed medical care, and it investigated a claim that puppies were shot in front of employees. The state was never able to substantiate the latter claim, but it did substantiate the high rate of death and disease in Tiffanie's LLC's puppies.

If dozens of puppies died on Tiffanie's LLC's property, it's likely that more puppies got sick or died after leaving the property and arriving at Petland stores; parvovirus is highly contagious and can incubate without symptoms for up to two weeks, according to the [Merck Veterinary Manual](#). Each sick puppy could have made puppies from other breeders and distributors sick along the way, or after arriving in the store. And because broker trucks often drop puppies at many different pet stores along their route, numerous pet stores could be infected by a single transport.

All of the troubling information we found about Tiffanie's LLC was readily available through state public records requests, but some Petland stores continued to buy from the dealer many months after the state found out about the high death rate in its puppies. During a recent one-month period (March 1 to April 1, 2019), at least ten different Petland stores purchased from Tiffanie's, LLC: the Petlands in Bradenton, FL; Chicago Ridge, IL; Henderson, NV; Knoxville, TN; Naperville, IL; Orlando East, FL; Pittsburgh (Robinson), PA; Rockford, IL; Tyler, TX; and Janesville, WI.⁸

Additional records the HSUS obtained via public records requests show that Tiffanie's LLC purchased some of its puppies from breeder Pam Baldwin, whose kennel, Samples Creek Kennel, had year after year of animal welfare violations, including more than [126 violations](#) over a two year period, before finally closing down after Missouri's Attorney General's office sued it in 2018 for [violating state laws](#). Baldwin's kennel appeared repeatedly in the HSUS's [Horrible Hundred](#) reports after state and federal inspectors found dozens of sick and ailing dogs on her property.

HSUS researchers and investigators found several more dealers who have been in our [Horrible Hundred report\(s\)](#) selling to Petland stores in 2018 and 2019. For example, documents our investigator reviewed in the Tyler, Texas, store indicated it purchased puppies not only from Tiffanie's LLC, but from Anita Gustin (2015 and 2016 Horrible Hundred), Puppy Travelers, Inc. (2018 Horrible Hundred) and J.A.K.'s Puppies (2019 Horrible Hundred).

Many Petland stores, including the Fairfax, Kennesaw, Novi and Sarasota franchises, also purchased from a network of distributors in Fresno, Ohio, that have operated under an array of frequently-changing names, including Homes for Canines and Twin Creek Kennels. Twin Creek and Homes for Canines were named in a lawsuit for allegedly providing the puppy to the Novi store who was infected with *Campylobacter* and passed it on to his new owner, according to that lawsuit.

The conditions puppies endure during their long journeys to Petland stores are another concern. Last year, two dozen puppies were seized from a truck that was about to deliver them to the South Fort Myers, Florida, Petland, according to [news sources](#). Authorities were there to investigate consumer reports about sick puppies who had died shortly after purchase, according to the reports. The puppies had been trucked from Missouri to Florida in cramped, filthy conditions and some did not have water, according to the news sources. HSUS researchers found that the shipment came from Puppy Travelers, Inc, in Neosho, Missouri.

⁸ The information linking Tiffanie's LLC to Petland was found on public transport records the HSUS obtained from Missouri.

Puppy Travelers shares space with Pinnacle Pet, LLC, another broker that sells large numbers of puppies to Petland stores. Pinnacle Pet was cited by the United States Department of Agriculture in 2015 when eight puppies died in a hot vehicle that had been left unattended.

Petland claims that it purchases only from breeders and distributors with no recent USDA violations, but clearly its checks and balances are grossly insufficient. Reports from [news agencies](#) and animal welfare [watchdogs](#) indicate that USDA is failing to live up to its enforcement obligations. For example, our most recent [Horrible Hundred](#) report shows USDA failed to cite some dealers, such as Tiffanie's LLC, for any recent violations, even when state inspectors found numerous ill, underweight or injured dogs at the same properties and during the same general time period. Petland is clearly not checking state records on dog breeders or removing distributors from its supply chain even when some of them, like Blue Ribbon Puppies and Homes for Canines, have been linked to issues like the Campylobacter disease outbreak. Given the history of many of Petland's suppliers, it's not a surprise that many puppies arrive at Petland in poor condition or quickly become ill after arrival.

Promises and “warranties” protect the store, not the buyer

The HSUS has received more than 1,300 complaints about sick Petland puppies since 2006, and our [2008 investigation](#) linked the pet store chain to inhumane puppy mills. Since then, consumers have repeatedly sued Petland for allegedly selling sick or genetically defective puppies and misleading buyers.

In addition to the November 2018 lawsuit against the Novi store, a 2017 [lawsuit](#) accused the Kennesaw, Georgia, store of selling sick puppies. It was dismissed from federal court, but that decision to dismiss is being appealed, and a complaint could still be filed in state court for state law-based claims. Petland had to pay [more than \\$12,000](#) in veterinary bills for one of the sick dogs the Georgia store sold, according to news sources.

Our undercover investigation revealed several factors that could be to blame for the seemingly large number of sick puppies sold by Petland stores. Some came from distributors with troubling backgrounds. Others were exposed to sick animals in the store. And Petland's “pet counselors” were sometimes under pressure to sell as many puppies as possible, both to maintain their sales jobs and to pad their small paychecks. Since some buyers are specific about the type of breed they want, pet counselors eager to make a sale could be under pressure to sell a specific puppy even if the animal was starting to show signs of illness.

Time and again, our investigators saw Petland selling puppies who had recently been exposed to other sick animals, had recently come out of isolation for illness, or who themselves had recently shown signs of illness, sometimes without disclosing the full details of their health histories to buyers. Petland's “pet counselors” were financially compensated for selling more puppies, and thus had little incentive to warn consumers that a puppy might have problems.

Customers who purchased sick puppies told HSUS they were often dismayed to find out that they were stuck with expensive veterinary bills and that often Petland's “health warranties” were worth very little. Some of them were also persuaded to finance their puppies at alarmingly [high interest rates](#) – sometimes at almost 30% annual percentage rates.

Petland's warranties are often used as a selling point for customers, making them feel safe about buying a puppy who is “guaranteed” to be healthy, or at least replaceable. But Petland's warranties are riddled with language that protects the store, not the buyer. For example a “Limited Lifetime Puppy Warranty” offered by the Novi store, and many other Petland stores, promises to replace the puppy if he or she dies—but only if the buyer

continues to purchase a specific brand of dog food directly from the Petland store, as well as special vitamins, and at least \$30 worth of pet supplies every month—an estimated cost of over \$500 per year, for the life of the dog. The warranty only guarantees the store a repeat customer, not a healthy dog. The warranty also requires the owner to produce a necropsy report documenting the cause of their dog’s death, an additional hefty expense that most pet owners would not normally incur.

Petland’s limitation of liability also severely restricts the expenses a Petland store will cover after selling a customer a sick puppy. For example, Petland will not pay for any diagnostic tests incurred by buyers, according to the Michigan contract we reviewed. Some Petland stores will only cover medical bills for dogs if the buyer uses a specific veterinarian⁹.

Some buyers who contacted HSUS said they felt duped into buying very expensive puppies they thought were from high quality breeders, only to find out later that they came from puppy mills. A buyer who contacted the HSUS in April 2019 said he purchased a puppy from a Kentucky Petland store after being told the dog was from a high quality breeder, only to find out later that the breeder, Milton Lewis of Newport, Nebraska, was in the HSUS’s [2018 Horrible Hundred](#) report due to horrific state animal care violations. Lewis’s state violations included a dog with puncture wounds, a puppy who had his leg ripped off by another dog, a limping dog and filthy conditions. The breeder also admitted to the state inspector that he had 14 unwanted puppies and dogs euthanized for convenience reasons such as “lack of buyer interest,” even though he was made aware that rescue options were available. But the Petland puppy’s buyer was not given any information about the state violations; he only received copies of the breeder’s recent USDA reports, which didn’t list any citations. The buyer said he was dismayed to find out that he had paid approximately \$8,000 for a puppy who was from a puppy mill (\$6,000 plus financing interest).

Despite customer reliance on American Kennel Club certification, AKC demonstrated it is part of the problem, too. Many Petland stores prominently display “AKC inspected” signs, which could falsely mislead the public into thinking the AKC is overseeing the quality of puppy care at pet stores. Our investigator witnessed an AKC inspector visiting the Tyler, Texas, store briefly, and it appears he only looked at paperwork on a few dogs. He was only in the store for about an hour.

Contrary to the perception many shoppers may have, the AKC is neither an animal welfare group nor an enforcement agency. Its partnership with Petland seems tied to the additional registration fees it collects from thousands of AKC puppies that Petland stores sell annually. In fact, the [AKC regularly fights](#) against proposed laws that would require better care standards or regular inspections of breeders, and its partnership with Petland has only served to lull potential puppy buyers into a false sense of security about the health and quality of their animal.

Scandals at Petland stores

Too often, Petland makes excuses for poor animal care at its stores. In fact, its first reaction to our April 2019 exposé of the Fairfax store—which documented [a freezer full of dead rabbits](#) and revealed that an unlicensed rabbit mill was the store’s primary supplier—was to insinuate that our investigator had something to do with the rabbits’ deaths. This spurious allegation was quickly disproven when the [local police announced](#) that they had

⁹ Some states have laws that restrict pet sellers from requiring puppy buyers to use specific veterinarians.

seized a total of 31 dead rabbits and a dead puppy from Fairfax Petland's freezer—months after our investigator stopped working there.

Petland made the right decision when it swiftly ended its association with the Fairfax store, just a day after our report exposed the animal deaths. But Petland should already have been overseeing quality and compliance with its purportedly high standards; the Fairfax store had been the subject of [complaints](#) for years. Only when those heinous violations were made public nationwide did Petland pull its support. Petland also revoked its association with an Ohio store in 2009 after one of its employees was accused, and later convicted, of animal cruelty for [drowning two rabbits](#) at the store – but again, only after the case received widespread attention.

A Lakeland, Florida, Petland store also shut down in 2015 after its owner [was arrested](#) for forging puppies' veterinary documents. A South Austin, Texas, Petland store [closed down in 2010 after it was fined](#) approximately \$30,000 for failing to comply with a local ordinance requiring puppies to be spayed or neutered before sale. The Sarasota store we investigated was also accused of breaking local laws when it continued to sell puppies in violation of a county ordinance banning puppy sales in pet stores. In April 2019, the store [settled with Sarasota County](#) and, at the time of this publication, was in the process of moving just outside county limits, presumably to escape the ordinance. This shows the ordinances are effective, and that we need more localities to pass them.

In November 2017, the Henderson, Nevada, Petland [was fined thousands of dollars for 19 violations](#) for issues such as “cramped cages, failing to provide medical records and failing to isolate a sick dog” from the rest of the dogs.

The public has done its part by blowing the whistle. Several Petland stores have been accused of offering noticeably [underweight puppies](#) for sale after shoppers took photos of puppies who didn't look healthy and posted the pictures on social media. Shoppers documented thin puppies in the [Pittsburgh](#) store in 2019, the [Fairfax](#), Virginia store in 2017, and the [Henderson](#), Nevada, Petland store in 2016.

Conclusion

Our undercover footage shows that sick puppies are part of the day-to-day reality in more than just a few of Petland's stores. In fact, the very business model that Petland is founded on is part of the problem; every year thousands of puppies who have already been given an unhealthy start at puppy mills are shipped from distant states on large trucks, further exposing them to stress and disease along the way, worsening any issues that may have been present at the loosely-regulated breeding establishments where they were born.

The entire mass-market puppy supply chain is so problematic, and complaints about sick puppies sold by pet stores are so common, that more and more states and localities are taking action by banning the sale of puppies in pet stores altogether. Two states, California and Maryland, recently banned the sale of commercially-raised puppies in pet stores, and several states, including Maine, New York, Pennsylvania and Rhode Island are considering similar laws. Comparable laws have already passed in more than [300 localities](#), including cities, towns and counties. But instead of seeing the writing on the wall and moving toward a humane model that offers pet supplies only, Petland has moved to impede localities from passing such laws by urging state lawmakers to pass “pre-emption” laws, which would limit the rights of localities to prohibit the sale of puppy mill puppies in pet stores.

Petland not only supports and engages in low-cost inhumane animal care, but it protects these callous practices by engaging in consumer intimidation. We have received complaints from former Petland employees as well as

puppy buyers who felt they were made to sign intimidating legal documents that restricted what they could say about their experience at Petland—an indication that Petland is trying to silence critics rather than work on solving its internal and systemic problems.

Consumers can protect themselves by refusing to support inhumane businesses. The Humane Society of the United States urges consumers never to buy a puppy from a pet store, because puppies in pet stores are often sick, and many of them come from inhumane dealers known as puppy mills. [Responsible breeders](#) don't sell to pet stores or online, because they don't sell to middleman or people they haven't met. They want to meet the families who are taking home their puppies and stay in touch in case of any problems.

We recommend visiting an animal shelter or reputable rescue group as the most humane option when getting a new pet. At shelters and responsible rescue centers, healthy, vaccinated puppies, dogs, cats and other pets are available for relatively low adoption fees, and most of them are already spayed or neutered. Shelter workers, unlike pet store sales clerks, don't receive a kickback for convincing someone to take home a pet.

If a family doesn't find the right kind of dog for them at their local shelters, they should work only with a breeder they have met in person and carefully screened. For more information on how to get a puppy from a responsible source, see www.humanesociety.org/puppy.

Find out more information visit humanesociety.org

Exhibit 33



Questions and Answers

What is *Campylobacter* infection?

Campylobacter infection, or campylobacteriosis, is caused by *Campylobacter* bacteria. It is the most common bacterial cause of diarrheal illness in the United States. Data from the [Foodborne Diseases Active Surveillance Network \(FoodNet\)](#) indicate that about 20 cases are diagnosed each year for every 100,000 people. The [Foodborne Diseases Active Surveillance Network \(FoodNet\)](#) indicates that about 20 cases are diagnosed each year for every 100,000 people. Many more cases go undiagnosed or unreported. CDC estimates *Campylobacter* infection affects 1.5 million U.S. residents every year. Most cases are not part of recognized outbreaks, and more cases occur in summer than in winter.

What are the symptoms of *Campylobacter* infection?

People with *Campylobacter* infection usually have diarrhea (often bloody), fever, and stomach cramps. Nausea and vomiting may accompany the diarrhea. Symptoms usually start two to five days after infection and last about one week. Some people experience complications, such as irritable bowel syndrome, temporary paralysis, and arthritis. In people with weakened immune systems, such as those with a blood disorder, with AIDS, or receiving chemotherapy, *Campylobacter* occasionally spreads to the bloodstream and causes a life-threatening infection.

How does food and water get contaminated with *Campylobacter*?

Campylobacter can contaminate food and water in several ways.

Many chickens, turkeys, cows, and other animals that show no signs of illness carry *Campylobacter*. *Campylobacter* can be carried in the intestines, liver, and other organs of animals and can be transferred to other edible parts when an animal is slaughtered. In 2015, [National Antimicrobial Resistance Monitoring System \(NARMS\)](#) testing found *Campylobacter* on 24% of raw chicken bought from retailers.

Milk can become contaminated when a cow has a *Campylobacter* infection in her udder or when milk is contaminated with manure. [Pasteurization](#) makes milk safe to drink.

Fruits and vegetables can be contaminated through contact with soil or water containing feces (poop) from cows, birds, or other animals. Animal feces can contaminate lakes and streams. Washing or scrubbing fruits and vegetables and disinfecting untreated drinking water helps [prevent illness](#).

How do people get infected with *Campylobacter* bacteria?

It takes very few *Campylobacter* bacteria to make someone sick. A single drop of juice from raw chicken can contain enough bacteria to infect someone.

Most *Campylobacter* infections are probably acquired by eating raw or undercooked poultry or eating something that touched it. *Campylobacter* are also transmitted by other foods, including seafood, meat, and produce; by contact with animals; and by drinking untreated water.

People can get infected when a cutting board that has been used to cut and prepare raw chicken isn't washed before it is used to prepare foods that are served raw or lightly cooked, such as salad or fruit. People can also get infected through contact with [dog or cat](#) feces. Very rarely, people have become infected through a transfusion of contaminated blood.

Campylobacter does not usually spread from one person to another.

[Outbreaks](#) have been associated with poultry, raw (unpasteurized) dairy products, seafood, untreated water, produce, and puppies.

Campylobacter infection is common in low-resource countries, and people who travel abroad have a greater chance of becoming infected. About one in five *Campylobacter* infections reported to [FoodNet](#) are associated with international travel.

How is *Campylobacter* infection diagnosed and treated?

Diagnosis

Campylobacter infection is diagnosed when a laboratory test detects *Campylobacter* bacteria in stool (poop), body tissue, or fluids. The test could be a culture that isolates the bacteria or a [rapid diagnostic test](#) that detects genetic material of the bacteria.

Treatment

Most people recover from *Campylobacter* infection without antibiotic treatment. Patients should drink extra fluids as long as diarrhea lasts.

Some people with, or at risk for, severe illness might need antibiotic treatment. These people include those who are 65 years or older, pregnant women, and people with weakened immune systems, such as those with a blood disorder, with AIDS, or receiving chemotherapy.

Is *Campylobacter* infection serious?

Most people with a *Campylobacter* infection recover completely within a week, although some shed (get rid of) *Campylobacter* bacteria in their stool for weeks after recovery. *Campylobacter* infection rarely results in long-term health problems. Some studies have estimated that 5–20% of people with *Campylobacter* infection develop [irritable bowel syndrome](#) for a limited time and 1–5% develop [arthritis](#).

About one in every 1,000 reported *Campylobacter* illnesses leads to [Guillain-Barré syndrome \(GBS\)](#). GBS happens when a person's immune system is triggered by an infection. People with GBS can have muscle weakness or sometimes paralysis that can last for weeks and often require intensive medical care. Most people recover fully, but some have permanent nerve damage. Estimates indicate that as many as 40% of GBS cases in the United States might be triggered by *Campylobacter* infection.




Next: [Find out the steps you can take to help prevent an infection >](#)

What are public health agencies doing to control *Campylobacter* and prevent infections?

State health departments report human *Campylobacter* infections to CDC. Through the surveillance systems listed below, CDC monitors cases, tracks antibiotic resistance, estimates the total number of people infected each year, identifies prevention measures to meet food safety goals, and provides data and analyses that inform food safety action and policy.

- [PulseNet](#), a national laboratory network that detects foodborne disease outbreaks, compares the DNA fingerprints of *Campylobacter* from patients to find groups of infections that may indicate an outbreak.
- [FoodNet](#), a collaboration among CDC, 10 state health departments, the U.S. Department of Agriculture's Food Safety and Inspection Service (USDA-FSIS), and the U.S. Food and Drug Administration (FDA), collects data on human infections caused by *Campylobacter*.
- [National Antimicrobial Resistance Monitoring System \(NARMS\)](#), a collaboration among state and local public health departments, CDC, FDA, and USDA, tracks changes in antibiotic resistance among *Campylobacter* bacteria isolated from humans, meat sold at retail, and food animals.
- [National Outbreak Reporting System \(NORS\)](#) collects data from state health departments about *Campylobacter*
- [Laboratory Enteric Disease Surveillance \(LEDS\)](#) collects data on laboratory-confirmed *Campylobacter* infections from state public health laboratories.

[USDA-FSIS](#) [↗](#) regulates meat, poultry, and processed eggs. In 2011, the agency established performance standards to limit *Campylobacter* contamination of whole broiler chickens, requiring contamination rates to be no more than 10.4% of samples in processing plants. In 2016, USDA-FSIS implemented further measures, requiring *Campylobacter* contamination rates to be no more than 1.9% in ground chicken and turkey products and 7.7% in raw chicken parts in processing plants. USDA-FSIS also [posts contamination testing results online](#) [↗](#).

[FDA](#)  regulates all foods other than those regulated by USDA-FSIS. FDA publishes the [Food Code](#) , a model for regulating retail and food service establishments, including restaurants, grocery stores, and institutions such as nursing homes. The [FDA Food Safety Modernization Act](#) , passed in 2011, aims to ensure the U.S. food supply is safe by shifting the focus to preventing contamination.

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Exhibit 34

Multidrug-Resistant *Campylobacter jejuni* Outbreak Linked to Puppy Exposure — United States, 2016–2018

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Campylobacter causes an estimated 1.3 million diarrheal illnesses in the United States annually (1). In August 2017, the Florida Department of Health notified CDC of six *Campylobacter jejuni* infections linked to company A, a national pet store chain based in Ohio. CDC examined whole-genome sequencing (WGS) data and identified six isolates from company A puppies in Florida that were highly related to an isolate from a company A customer in Ohio. This information prompted a multistate investigation by local and state health and agriculture departments and CDC to identify the outbreak source and prevent additional illness. Health officials from six states visited pet stores to collect puppy fecal samples, antibiotic records, and traceback information. Nationally, 118 persons, including 29 pet store employees, in 18 states were identified with illness onset during January 5, 2016–February 4, 2018. In total, six pet store companies were linked to the outbreak. Outbreak isolates were resistant by antibiotic susceptibility testing to all antibiotics commonly used to treat *Campylobacter* infections, including macrolides and quinolones. Store record reviews revealed that among 149 investigated puppies, 142 (95%) received one or more courses of antibiotics, raising concern that antibiotic use might have led to development of resistance. Public health authorities issued infection prevention recommendations to affected pet stores and recommendations for testing puppies to veterinarians. This outbreak demonstrates that puppies can be a source of multidrug-resistant *Campylobacter* infections in humans, warranting a closer look at antimicrobial use in the commercial dog industry.

Epidemiologic Investigation

Campylobacteriosis became a nationally notifiable condition in 2015, and many states routinely interview patients with campylobacteriosis.* For this investigation, a standardized, supplemental questionnaire was used by state and local health departments to collect dog exposure information from persons with *Campylobacter* infection who reported recent dog or pet store exposure during routine interview. A case definition relevant to this outbreak (Box) was developed to aid in case finding and characterization.

*<https://www.cdc.gov/nndss/conditions/campylobacteriosis/case-definition/2015/>.

By February 28, 2018, a total of 118 persons meeting the case definition for *Campylobacter* infection, including 29 pet store employees, were reported from 18 states.† Age was available for 115 persons and ranged from <1 year to 85 years (median = 26 years); 74 of 115 (63%) infected persons were female. Among 107 persons for whom hospitalization information was available, 26 (24%) were hospitalized; no deaths occurred. In total, 105 of 106 (99%) infected persons reported dog exposure, including 101 (95%) who had contact with a pet store puppy (Table). Eight patients reported

† Connecticut (two patients), Florida (20), Georgia (five), Illinois (11), Kansas (seven), Massachusetts (two), Maryland (five), Michigan (one), Missouri (two), New Hampshire (two), New York (two), Ohio (34), Oklahoma (one), Pennsylvania (six), Tennessee (two), Utah (four), Wisconsin (nine), and Wyoming (three).

BOX. Case definition for multidrug-resistant *Campylobacter jejuni* outbreak linked to puppy exposure — United States, 2016–2018*

Confirmed case

Campylobacteriosis in a patient with onset during January 1, 2016–February 28, 2018 who had either

- A clinical isolate closely related* to the outbreak strains by whole-genome sequencing (WGS), or
- Other laboratory evidence (culture or culture-independent diagnostic testing) of *Campylobacter* infection and worked in, visited, or had contact with a puppy from a pet store within 7 days before illness onset.

Probable case

An illness compatible with *Campylobacter* infection in a patient who had worked in, visited, or had contact with a puppy from a pet store within 7 days before illness onset, but without laboratory confirmation of *Campylobacter* infection.

Exclusion criteria

Exposure criteria met, but isolate unrelated to the outbreak strains by WGS.

*Relatedness of outbreak strains was determined by whole-genome multilocus sequence typing (wgMLST). Because no published wgMLST cutoff values exist, genetic relatedness was determined based on epidemiologic concordance and comparison with background *Campylobacter jejuni* isolates.

TABLE. Number of reported persons with *Campylobacter jejuni* infection during a multidrug-resistant outbreak, by reported puppy exposure — United States, 2016–2018*

Source	No. of infected persons reported
Exposed to pet store puppy (n = 101)	
Company A	92
Company B	3
Company C	2
Company D	1
Company E	1
Company F	1
Company unknown	1
Purchased puppy from breeder	3
Adult dog exposure reported	1
No known dog exposure	1
Total reported	106

* Excludes 12 patients for whom dog exposure questions were unknown.

buying or having contact with puppies from five pet store companies other than company A (companies B–F), indicating that puppies became infected with *Campylobacter* before reaching pet stores.

State and local health and agriculture departments in four states (Kentucky, Ohio, Pennsylvania, and Wisconsin) visited 20 pet stores and collected antibiotic administration records for 154 puppies. Among 149 puppies with available information, 142 (95%) received one or more antibiotic courses before arriving or while at the store. Among 142 puppies that received antibiotics, treatment indication was available for 134 (94%); 78 (55%) treated puppies received antibiotics for prophylaxis only, 54 (38%) for prophylaxis and treatment, and two (1%) for treatment only. Median antibiotic treatment duration was 15 days (range = 2–67 days). Four antibiotics (metronidazole, sulfadimethoxine, doxycycline, and azithromycin) accounted for 81% of all antibiotics administered (Figure). Use of broad-spectrum antibiotics also was noted, including tetracyclines, quinolones, aminoglycosides, and chloramphenicol.

Laboratory Investigation

Stool specimens from infected persons or *Campylobacter* isolates were submitted to state public health laboratories. Health and agriculture officials from six states (Florida, Kansas, Kentucky, Ohio, Pennsylvania, and Wisconsin) visited 29 pet stores (27 company A and two company B) to collect puppy fecal samples. All company A and B stores in Ohio were visited, and a convenience sample of stores in other states was selected. Some states also requested fecal samples from patient households that had purchased puppies. Human stool specimens and puppy fecal samples underwent *Campylobacter* culture, and whole-genome multilocus sequence typing (wgMLST) was performed to compare genetic relatedness. Antibiotic susceptibility testing for nine antibiotics was performed by broth microdilution (Sensititer, Thermo Fisher Scientific) on selected isolates and interpreted using epidemiologic cutoff values established

Summary

What is already known about this topic?

Dogs, especially puppies, are a known source of sporadic *Campylobacter* infections in humans, but are uncommonly reported to cause outbreaks.

What is added by this report?

Investigation of a multistate, multidrug-resistant outbreak of *Campylobacter jejuni* infections implicated puppies from breeders and distributors sold through pet stores as the outbreak source. Outbreak strains were resistant to all antibiotics commonly used to treat *Campylobacter* infections.

What are the implications for public health practice?

Consumers, employees, and clinicians should be aware of the risk for disease transmission from puppies, including the possibility of exposure to multidrug-resistant pathogens. Greater adherence to implementation of antibiotic stewardship practices in the commercial dog industry might be needed.

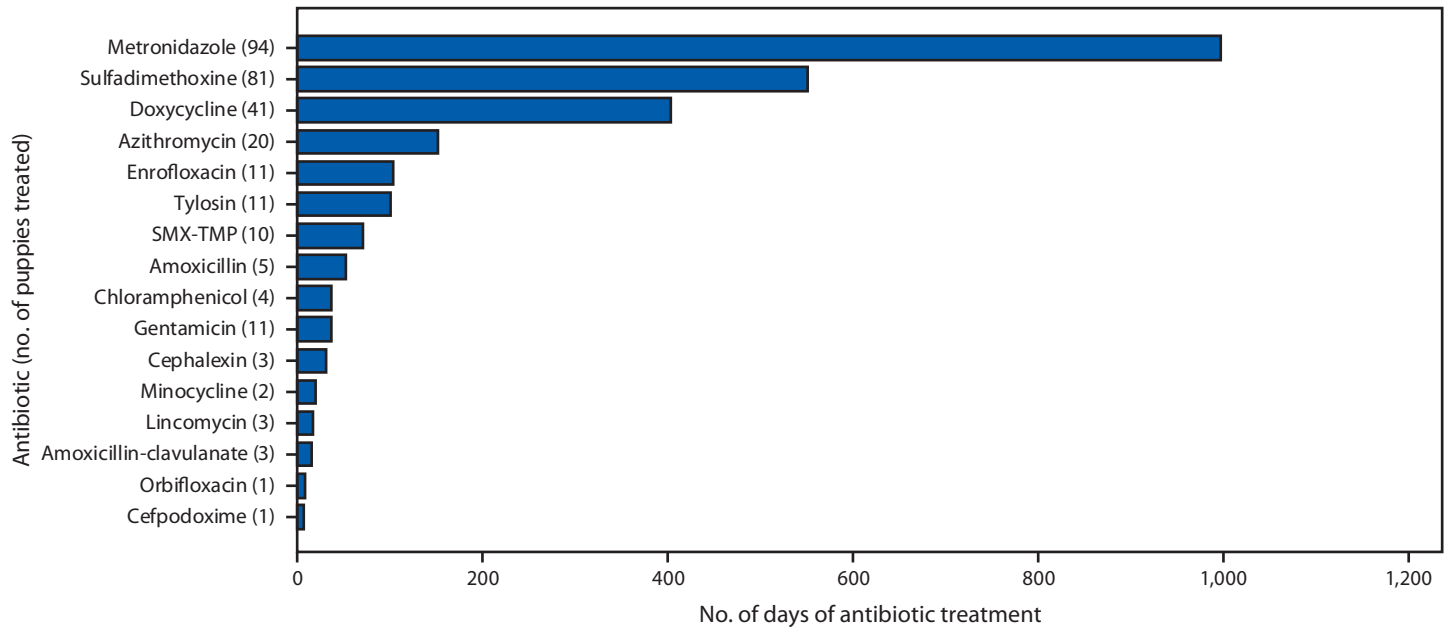
by the European Committee on Antimicrobial Susceptibility Testing. In this report, “resistant” refers to isolates with non-wild-type results (2). To explore pet food as a possible source of *Campylobacter* infection in puppies, dog food samples from company A and one person’s home were collected for culture.

Campylobacter jejuni isolates were obtained for 51 persons and 23 puppies. Outbreak isolates from 45 persons and 11 puppies grouped into three distinct clades by wgMLST. Six persons whose illnesses did not meet the case definition because their isolates were unrelated by wgMLST were excluded. Twelve puppy isolates were also unrelated to the outbreak by wgMLST. Two clades contained isolates from persons and puppies that were genetically related (≤ 32 alleles difference within each clade). The third clade contained six patient isolates that were related (≤ 30 alleles difference). Eighteen outbreak isolates (10 human and eight puppy) representing all three clades were selected for antibiotic susceptibility testing, and all were resistant to azithromycin, ciprofloxacin, clindamycin, erythromycin, nalidixic acid, telithromycin, and tetracycline. In addition, 16 of 18 isolates were resistant to gentamicin, and four of 18 were resistant to florfenicol. None of the cultures of 12 dog food samples yielded *Campylobacter*.

Traceback Investigations

Records, including microchip identification numbers of puppies when available, were collected for puppies owned by infected persons and those sampled in stores. Microchips are implanted subcutaneously, usually before the puppy arrives at the store, and their corresponding identification numbers allowed investigators to trace puppies back to their breeders and distributors. Distributors are companies that purchase

FIGURE. Number of days of antibiotics administered to 149 pet store puppies* assessed during a multidrug-resistant *Campylobacter jejuni* outbreak, by type of antibiotic — United States, 2016–2018



Abbreviation: SMX-TMP = sulfamethoxazole-trimethoprim.

* Excludes five puppies with missing information on number of days treated.

puppies wholesale from breeders and sell them to pet stores and other locations. Additional transport information was collected from stores when available. Practices identified during records review indicated that pet store puppies travel from breeders to distributors to stores by third-party transport companies. Information collected for eight puppies owned by infected persons and 20 puppies with fecal samples that were positive for *Campylobacter jejuni* traced back to 25 breeders and eight distributors. No single breeder, distributor, or transporter was identified as the infection source. However, potential for *Campylobacter* transmission among puppies exists because puppies from different breeders were commingled at distributors, during transport, and in stores.

Public Health Response

CDC developed educational materials on campylobacteriosis prevention. CDC and states shared these with pet industry partners, including retail pet stores. Educational messages focused on handwashing, separating human eating areas from animal areas, and using personal protective equipment correctly, such as wearing gloves when cleaning cages in pet stores. CDC posted an outbreak advisory online, which included information for clinicians and veterinarians recommending culture and antibiotic susceptibility testing to guide antibiotic treatment decisions (3).

Discussion

Epidemiologic, laboratory, and traceback evidence indicates that puppies sold through the commercial dog industry, an uncommon source of *Campylobacter* outbreaks, were the source of a multistate outbreak of multidrug-resistant *Campylobacter* infections. This evidence, combined with the prolonged nature of the outbreak and the potential for puppy commingling, indicates a potential for continued transmission of multidrug-resistant *Campylobacter* industrywide, including at breeders, distributors, transporters, and stores, and ultimately in customers' homes. Although the investigation is completed, the risk for multidrug-resistant *Campylobacter* transmission to employees and consumers continues.

Dog-associated *Campylobacter* outbreaks have been reported previously, but those outbreaks involved fewer illnesses, and the isolates were not multidrug-resistant (4–6). The investigation of this outbreak revealed widespread administration of multiple antibiotic classes, including all classes to which the outbreak *Campylobacter* strains were resistant. Hygiene and animal husbandry practices can reduce the need for antibiotics and decrease transmission of *Campylobacter* between animals and from animals to humans (7). Adherence to antibiotic stewardship practices in these settings might reduce the selection of highly drug-resistant *Campylobacter*. Implementation of antibiotic stewardship principles and practices in the commercial dog industry is needed.

Clinicians should consider that persons can acquire *Campylobacter* infections, including multidrug-resistant infections, from puppies. If antibiotics are indicated, consider stool culture and antibiotic susceptibility testing. Pet stores, commercial distributors, transporters, and breeders should ensure that existing biosecurity measures are sufficient to reduce ongoing risk for *Campylobacter* transmission between puppies and humans. Pet stores should provide employee and customer education and training on handwashing and provide employees with personal protective equipment when cleaning animal areas (8). Educational information[§] that veterinarians and pet stores provide to pet owners could include information on reducing the risk for pathogen transmission. Finally, antibiotics should only be administered under veterinary supervision with a valid veterinary-client-patient relationship, consistent with existing stewardship principles.[¶]

[§] https://www.cdc.gov/healthywater/hygiene/etiquette/around_animals.html.

[¶] <https://www.avma.org/KB/Policies/Pages/Antimicrobial-Stewardship-Definition-and-Core-Principles.aspx>.

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Exhibit 35

From: Tauxe, Robert V. (CDC/OID/NCEZID)
Sent: 13 Dec 2017 22:47:44 +0000
To: Khabbaz, Rima (CDC/OID/NCEZID); Lubar, Debra (CDC/OID/NCEZID); Smallwood, Sherry (CDC/OID/NCEZID); O'Connor, John (CDC/OID/NCEZID); Braden, Chris (CDC/OID/NCEZID)
Cc: Beach, Michael J. (CDC/OID/NCEZID); Morelli, Jeff (CDC/OID/NCEZID); Greene, Elizabeth (CDC/OID/NCEZID)
Subject: DFWED Update, Dec 13 2017

Internal Use Only.

Several outbreaks under investigation.

Cholera outbreak, Lusaka, Zambia:

DFWED team of 3 was already in Lusaka working on baseline diarrheal disease surveillance effort for upcoming Millennium Dev Corporation's major program to upgrade the Lusaka water system, when a cholera outbreak in Lusaka was identified. ~600 cases so far over past several months, with case fatality rate of 3%. At request of country, and working with the country office, we have sent an additional team of 4 over this past weekend to investigate the outbreak. The team arrives today

E. coli O157 infections at Marine Corps Recruit Depot, San Diego, California:

CDC is collaborating with the U.S. Department of Defense and state public health officials to investigate a cluster of *E. coli* O157 infections. As of Monday, December 11, 2017:

- 465 cases of gastroenteritis reported to the MCRD
- Illnesses are almost entirely among new Marine recruits, with 12 companies affected
- 59 confirmed cases of *E. coli* (52 O157, 5 O26, 2 co-infected with O157 & O26) have been reported to PulseNet
- Onset dates of PulseNet confirmed illness range from October 17 – October 31, 2017
- Onset dates of all illnesses range from October 17 – November 16, 2017
- 29 hospitalizations (All discharged from the hospital but 4 remain in rehab but expected to be discharged soon)
- 6 ill people required ICU admission
- 14 recruits with HUS; 6 ill people received dialysis

The Epi-Aid Team arrived in San Diego on Sunday, November 19, 2017. Interviews for the case-control study have been completed. The case-control study focused on several food items including ground beef and fresh produce. The Epi-Aid Team has returned to Atlanta and is continuing to analyze the data collected. Some of kitchen procedures may have been poorly documented and/or problematic

MDR Campylobacter and puppies

Web update planned for late today. Now at 97 cases in 17 states, with 22 hospitalized. 98% have puppy exposure, and 90% exposed to puppies from Petland chain. 21 are store employees. APHIS is assisting with traceback. Multiple dog breeds, multiple dog transport companies and multiple original breeders. Entire distribution chain seems to use antibiotics of a variety of types prophylactically; little stewardship recognized. Public advised re handwashing and hygiene as immediate prevention.

Puerto Rico salmonella outbreak

46 ill after community Thanksgiving meal in Humacao, PR. Local public health investigation is underway. Two strains of Salmonella have been sent to CDC by PRPHL for characterization: results available later this week.

Robert Tauxe, M.D., M.P.H.
Director,
Division of Foodborne, Waterborne and Environmental Diseases,
National Center for Emerging and Zoonotic Infectious Diseases,
Mailstop C-09, CDC, Atlanta, Georgia 30333
T: 404-639-3818
<http://www.cdc.gov/ncezid/dfwed/>

Exhibit 36



Memorandum

Date: October 18, 2017

From: Division of Foodborne, Waterborne, and Environmental Diseases
National Center for Emerging Zoonotic and Infectious Diseases
Centers for Disease Control and Prevention

Subject: Ongoing multistate outbreak of multidrug-resistant human *Campylobacter jejuni* infections linked to puppies sold through Petland

To: Elizabeth Kunzelman
Director of Public Affairs
Petland, Inc.

This memo provides preliminary information regarding an ongoing investigation of multidrug-resistant human *Campylobacter jejuni* infections linked to puppies sold through Petland, Inc. (Petland). *Campylobacter jejuni* isolates from both people and puppies sickened in this outbreak appear to be resistant to commonly recommended first-line antibiotics. This means infections in this outbreak might not respond well to first line antibiotics typically prescribed to treat *Campylobacter* infections.

This memo also summarizes the information that would be helpful to the Centers for Disease Control and Prevention (CDC) to better understand the cause of these illnesses and to identify public health measures that might reduce illnesses linked to puppies from Petland.

Human *Campylobacter* illnesses currently linked to Petland

CDC, in conjunction with the United States Department of Agriculture and state partners, is investigating *Campylobacter jejuni* infections in 55 people from 12 states (Florida, Kansas, Maryland, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Tennessee, Utah, Wisconsin, and Wyoming). Thirteen people were hospitalized; no deaths have been reported. A total of 49 of the 55 (89%) people with *Campylobacter jejuni* infections in this outbreak have an epidemiological link to puppies at a Petland store. Fourteen illnesses occurred among Petland employees and 35 people either recently purchased a puppy at Petland, visited a Petland store, or live in or visited a home with a puppy sold through Petland before illness began. The remaining six patients reported either contact with puppies from other sources (4), contact with confirmed outbreak cases (1), or were linked by laboratory testing to the outbreak but did not report puppy exposure (1). Whole genome sequencing (WGS) showed that *Campylobacter jejuni* isolates obtained from the stool of seven

puppies sold through Petland were highly related to *Campylobacter jejuni* isolates from the stool of seven ill people. This close genetic relationship provides additional evidence that the outbreak likely has a common source. Seven additional human illnesses are under investigation.

Antimicrobial resistance

Campylobacter jejuni isolates from patients in this outbreak, and isolates collected from puppies at Petland are resistant to commonly recommended, first-line antibiotics used to treat *Campylobacter*. This means infections with the outbreak strain might not respond well to first line antibiotics usually prescribed to treat *Campylobacter jejuni* infections. CDC's National Antimicrobial Resistance Monitoring System (NARMS) team performed antibiotic resistance testing on nine isolates from three ill people and six puppies. Eight isolates were resistant to azithromycin, ciprofloxacin, clindamycin, erythromycin, gentamicin, nalidixic acid, telithromycin, and tetracycline, and one isolate was resistant to azithromycin, ciprofloxacin, clindamycin, erythromycin, florfenicol, nalidixic acid, telithromycin, and tetracycline.

Preliminary summary and information that would be helpful to better understand how to control the outbreak and prevent future illnesses

Epidemiologic and laboratory evidence collected to date indicates that puppies sold through Petland stores are a likely source of this multistate outbreak of multidrug-resistant *Campylobacter jejuni* infections.

The following preliminary recommendations for controlling this outbreak are based on currently available information. CDC may modify or add to these recommendations as the investigation progresses and more information is obtained.

1. Outbreak investigation and control measures
 - a. Consult with a veterinarian who has experience in infection prevention and control of *Campylobacter* in puppies. This veterinarian could work throughout the Petland stores and supply chain, including breeders, brokers, and transporters to help identify potential sources of *Campylobacter* infection and understand antibiotic use practices that might lead to the development of multi-drug resistant *Campylobacter* infections in puppies sold by Petland.
 - b. Maintain records that can facilitate traceback of puppies infected or colonized with multidrug-resistant *Campylobacter*.
 - c. Communicate with breeders, brokers, and transporters about the outbreak and provide investigators with contact information of breeders, brokers, and transporters to facilitate traceback activities.
 - d. Encourage breeders, brokers, and transporters who identify puppies with diarrhea to isolate these puppies from other puppies to avoid spread of *Campylobacter* and other infectious pathogens.
 - e. Isolate ill puppies, including those with diarrhea or respiratory illness, from apparently healthy puppies in Petland stores to avoid spread of infectious pathogens.
 - f. Train employees to identify and report diarrhea in puppies.
 - g. Enforce existing store policies to prevent sale of puppies with diarrhea or respiratory illness.
 - h. Encourage breeders, brokers, and transporters to routinely clean and sanitize all areas where puppies have been by using disinfectants that are effective in killing pathogens such as parvovirus, adenovirus, parainfluenza, *Campylobacter*, and *Giardia*.

- i. Facilitate communication between breeders, brokers and transporters with CDC and health authorities.
- j. Review and update policies regarding cleaning and sanitizing areas where puppies are held, including at stores and with breeders, brokers, and transporters.

2. Antimicrobial use

- a. Based on the reported variability of antimicrobial use in stores and among breeders and brokers, we recommend working with a veterinarian to establish best practices for disease prevention, treatment of ill animals, and the judicious use of antimicrobials throughout the continuum of the supply chain of puppies from breeders, to brokers, to Petland stores. A veterinary-client-patient relationship should be in place when antimicrobials are prescribed and administered. Available resources include:
<https://www.avma.org/KB/Resources/Reference/Pages/Guidance-for-Antimicrobial-Use-in-Companion-Animal-Practice.aspx> and
https://www.avma.org/KB/Resources/Reports/Documents/TFASCAP_Report.pdf.
- b. Monitor and document antimicrobial use in stores
- c. Conduct appropriate diagnostic testing to ensure that animals receive appropriate and targeted treatment and to minimize injudicious use of antimicrobials.
- d. Educate breeders, brokers, and transporters who supply animals to Petland stores about judicious use of antimicrobials.

3. Infection prevention and control in Petland stores and franchise locations

- a. Provide adequate hand sanitation stations and encourage hand-washing for employees and customers who interact with animals.
- b. Use appropriate cleaning agents and sanitizers in stores to clean and disinfect soiled areas, especially those with animal feces.
- c. Provide appropriate personal protective equipment to employees and educate them regarding use of the equipment while cleaning cages and environmental surfaces potentially in contact with feces, vomitus, or urine.
- d. Have dedicated refrigerators and microwaves for storage and heating of food and beverages for human consumption, separate from those in animal areas
- e. Additional infection prevention recommendations can be found at this National Association of State Public Health Veterinarians website:
<http://www.nasphv.org/Documents/VeterinaryStandardPrecautions.pdf>.

4. Education

- a. Provide educational materials to customers and employees regarding how to prevent *Campylobacter* infections through hand-washing.
- b. Post hand sanitation and washing signage in all stores and franchise locations to encourage employees and customers to use hand sanitizer or to wash hands adequately while in Petland stores.
- c. Communicate with Petland stores regarding the *Campylobacter* illness outbreak, and include information on how to prevent illnesses among employees and customers

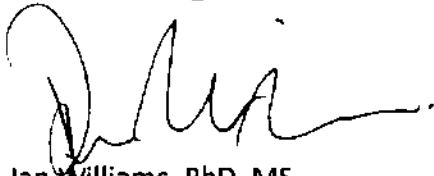
- d. Communicate with employees and store veterinarians regarding best practices to prevent *Campylobacter* infections, including those listed on this National Association of State Public Health Veterinarians website:
<http://www.nasphv.org/Documents/VeterinaryStandardPrecautions.pdf>.
- e. Educate owners regarding how and where to find the microchip number for their puppies.

Responses to the following questions, which might be available through additional conversations with Petland and the brokers, transporters and breeders supplying puppies to Petland would be helpful to further the investigation and prevent additional illnesses.

1. What are the names and contact information for all breeders, brokers, and transporters that supplied puppies to stores where ill people purchased or had contact with puppies?
2. What is the number and percentage of puppies that are supplied to Petland by each breeder, broker, and transporter, respectively by store location?

As a result of the ongoing risk to the health of consumers, CDC posts web updates regarding the potential risk of *Campylobacter* resulting from contact with pet store puppies at <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>. These web postings serve to protect and inform the public as well as inform public health and regulatory partners at the federal, state, and local level about this ongoing outbreak investigation. Information included in these web postings provides people who might have become ill after purchasing a puppy at Petland with information they might need to seek diagnosis and treatment for a potentially serious illness (multi-drug resistant *Campylobacter jejuni* infection); medical attention also would entail provision of information on measures to prevent secondary transmission of *Campylobacter* infection to other close contacts, such as family members. Second, these web postings also could assist in identifying additional ill people who might provide information essential to the investigation of this outbreak.

We would be glad to discuss the information provided in this memo.



Ian Williams, PhD, MS
Chief, Outbreak Response and Prevention Branch
Division of Foodborne, Waterborne and Environmental Diseases
National Center for Emerging and Zoonotic Infectious Diseases
Centers for Disease Control and Prevention
1600 Clifton Road - MS A38 Atlanta, GA 30333

Exhibit 37

Cases

- 61 cases from 13 states: FL (13), IL (3), KS (8), MD (1), MO (2), NH (1), NY (1), OH (24), PA (2), TN (2), UT (1), WI (2), WY (1)
 - 50 (82%) confirmed cases; 11 (18%) probable cases
 - Petland exposure
 - 55 primary cases have direct exposure to Petland (employee, visited store, purchased puppy, visited or reside in home with Petland purchased puppy)
 - 1 secondary case with indirect exposure (sexual partner of confirmed case from OH)
 - 39/56 (70%) customers from 8 states (FL, IL, KS, MO, NY, OH, TN, WI)
 - 17/56 (30%) employees (including 1 volunteer) from 7 states (FL, IL, KS, MO, OH, PA, TN)
 - 5 primary cases highly related by WGS do not have confirmed Petland exposure
 - 1 OH case employee of Fetch
 - 1 WY case purchased new puppy from Pet City
 - 1 MD, 1 UT with puppy exposure, purchase location unknown
 - 1 NH case without dog/puppy exposure, but exposure to cat/kittens; 86 y.o woman
- Illness onset range: 09/15/16–09/22/17
- Hospitalized: 23% (14/61)
 - Petland employee: 24% (4/17); Customer: 23% (9/39)
- Deaths: 0
- Age median: 21 years (range: <1–86 years)
 - Petland employee age median: 19 years (range: 16–26 years)
 - Petland customer age median: 28 years (range: <1–75 years)
- Sex: 67% (41/61) female
 - Petland employee: 88% (15/17) female
 - Petland customer: 56% (22/39) female

Laboratory Testing

- Puppies
 - *C. jejuni* isolated from stool of 9 puppies at 2 FL locations; 7/9 match by PFGE and WGS
 - *C. jejuni* isolated from stool of 2/65 puppies from OH Petland stores; 1 isolate found to be highly related by WGS (0–23 alleles)
 - Stool sample collection ongoing by OH, PA, and KY; pending by KS and WI
- Humans
 - *Campylobacter* testing disposition
 - 36/61 culture positive from 8 states; 2/61 culture pending
 - 20/61 have species level information: 18 *C. jejuni*, 2 *C. lari*
 - 14/61 PCR positive
 - 9/61 not tested (symptomatic HH members or close contacts of confirmed cases and puppies)
- WGS testing and results
 - **Main clade (0–23 alleles):** 7 clinical isolates (NH, UT, MO, MD, OH (2), and WY) found to be genetically highly related to 8 canine isolates (7/9 from FL and 1/2 from OH); a WI clinical isolate was up to 28 alleles different from these isolates
 - **Sub-clade (5–17 alleles, 0–280 alleles from main clade):** clinical isolates from UT and TN were genetically highly related (5 alleles different) to each other, and these two isolates were up to 17 alleles different from 1 OH clinical isolate; a WI clinical isolate was up to 59 alleles different from these three isolates (UT, TN, OH)
 - 2/9 FL puppy isolates, 1/2 OH puppy isolates, and 3 KY clinical isolates were very different from the other *C. jejuni* isolates

- PFGE testing and results
 - Three PFGE SmaI patterns:
 1. DBRS16.0170 (common)
 2. DBRS16.3339 (rare)
 3. DBRS16.3648 (canine)
 - PFGE KpnI pattern for this outbreak: unrestricted (7 clinical isolates, 8 canine isolates)
- NARMS testing and results
 - Predicted resistance for 13 isolates: 7 human, 6 canine
 - All 13 isolates (7 human, 6 canine) are resistant to 6 antibiotics: azithromycin, ciprofloxacin, clindamycin, erythromycin, nalidixic acid, and telithromycin
 - 6/7 human isolates and 3/6 puppy isolates also appear resistant to gentamicin
 - 6/7 human isolates and 6/6 puppy isolates also appear resistant to tetracycline
 - Requested 3 more human isolates – results pending
 - AST
 - 1 human isolate from OH with AST results (completed 9/22)
 - R – azithromycin, ciprofloxacin, clindamycin, erythromycin, gentamicin, nalidixic acid, telithromycin and tetracycline (matches predicted resistance)
 - S – florfenicol (not available for humans)
 - AST requested for 2 more OH isolates – have not arrived at NARMS lab yet
 - AST requested for 5 FL puppy isolates that have predicted resistance that is highly related to the 1 isolate with AST results – results expected 10/06
- Pending Results
 - 1 OH canine isolate pending WGS
 - 1 TN isolate being re-sequenced by CDC

Supplemental Questionnaire

- 9/60 cases returned qx (KS (2), MD, NH, NY, OH, TN (2), WI)
- 4/60 cases with microchip information (NY, TN, OH (2))
- 1/60 cases with shopper card information (NY)

Communications

- Upcoming
 - TBD: Release of HAN to states
- Past
 - 09/11: Web posting went live. Talking points and draft web posting shared with states.
<https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>
 - 09/11: Petland web posting went live.
<http://www.prnewswire.com/news-releases/petland-partners-with-cdc-300517206.html>
 - 09/12: call with Ohio veterinarians @ 1pm
 - 09/13: Petland call @ 2pm
 - 09/18: PIJAC call @ 11am
 - 09/21: Multistate call @ 4pm
 - 10/02: firm call @ 12 pm to discuss AST results and traceback
 - 10/02: multistate call @ 4pm to discuss AST results
 - 10/03: Tentative 2nd web posting detailing AST results

Ohio Investigation

- 8/25: Met with Petland CEO, VP of Animal Welfare and Franchise Services, Director of Public Affairs, Lead Kennel Trainer/Consultant, and Local Consulting Veterinarian
 - Petland agreed to stop selling symptomatic dogs and all dogs with diarrhea
 - Investigating the source of dogs to identify a common broker/breeder
- As of 9/19: 65 dog stool samples and 3 dog food samples collected from 9 OH Petland stores

- 55/63 breeders with known breeder information
- 5/49 distributors with known distributor information
- Epi-Aid team: Martha Montgomery, MD, 2nd yr OH EISO lead; Scott Robertson, DVM, 1st yr ORPB EZD EISO (Returned from field 09/14/17); Mark Laughlin, DVM, EDEB Campy SME, EpiAid Supervisor (Returned from the field 8/30/17)

Case Definitions (revised)

- Confirmed: Laboratory evidence of *Campylobacter* infection in a person with an epidemiological link* to a Petland store since August 1, 2016, or a clinical isolate closely related genetically by whole-genome sequencing to a confirmed case and related canine isolates
- Probable: An illness compatible with *Campylobacter* infection in a person with an epidemiologic link* to a Petland store since August 1, 2016
- Secondary: Laboratory evidence of or an illness compatible with *Campylobacter* infection in a person who had contact with a confirmed case-patient

*worked in or visited a Petland store, or had contact with a dog or puppy purchased from Petland within 7 days before illness onset

Exhibit 38

ORDINANCE NO. 2020-

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, APPROVING AN AMENDMENT OF BOONE COUNTY CODE OF ORDINANCES CHAPTER 91 RELATING TO ANIMALS AND FOWL PREVIOUSLY ADOPTED BY ORDINANCE 840.5 ON FEBRUARY 28, 1995 AND AMENDED BY ORDINANCE 03-13 ON MAY 20L, 2003 AND ORDINANCE 2016-19 ON SEPTEMBER 6, 2016.

WHEREAS, the Boone County Code Ordinances Chapter 91 relates to Animals and Fowl; and

WHEREAS, the Boone County Animal Control Department is responsible for enforcing animal related laws in Boone County and have a contract to provide animal control services for the cities of Florence, Walton, and Union; and

WHEREAS, the Boone County Animal Control Division has a compelling interest in ensuring that County Ordinances reflect best practices and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION ONE

That Boone County Fiscal Court hereby amends and modifies the Commercial Animal Establishments section of the Boone County Code of Ordinances Chapter 91 as follows:

§ 91.37 MINIMUM STANDARDS.

- (A) All commercial animal establishments shall provide an adequate environment for each animal which is compatible with the general health and welfare of the animal.
- (B) All commercial animal establishments shall provide adequate space for each animal. Each cage or enclosure shall be large enough for the animal to stand, sit, lie and turn around without touching the walls or ceiling of the cage or enclosure, or another animal.
- (C) All commercial animal establishments shall provide adequate sanitation. Each cage or enclosure shall be maintained as follows:
 - (1) Cages or enclosures containing dogs or cats, of any age, shall be cleaned with hot water, disinfectant and detergent daily (including holidays), or more if conditions require additional cleaning or disinfecting to keep animals out of contact with feces or urine. Litter boxes shall be cleaned daily (including holidays) and the litter changed as needed.

- (2) Cages or enclosures containing birds shall contain a perch and shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.
 - (3) Cages or enclosures containing small animals shall be cleaned with hot water and disinfectant at least twice weekly or more if conditions require additional cleaning.
- (D) All commercial animal establishments shall provide adequate nourishment and water for each animal as follows:
 - (1) Each animal shall be given fresh food and water daily, including holidays.
 - (2) Soft food shall be available to those animals unable to chew standard dry food.
 - (3) Potable water shall be available to each animal at all times.
 - (4) Food and water containers shall be washed and disinfected daily
- (E) All commercial animal establishments shall provide proper medical treatment from a veterinarian for sick or injured animals.
- (F) All commercial animal establishments shall provide an adequate room (cage) temperature for the general health and welfare of the animal.
- (G) All commercial animal establishments shall provide for general cleanliness of the establishment, and shall not permit an insect or rodent infestation.
- (H) All commercial animal establishments shall possess proof of origin for any animal to be offered for sale and such documentation shall be kept on the premises and available for inspection by officers of the Animal Care and Control Department.
- (I) All commercial animal establishments shall have both a medical examination and stool test completed by a licensed veterinarian for every dog, cat, puppy or kitten prior to being offered for sale. No dog, cat, puppy or kitten showing any signs of intestinal parasites, including but not limited to, giardia, coccidian or campylobacter, may be offered for sale until receiving a negative stool test.
- (J) All commercial animal establishments that have a puppy(s) test positive for any infectious or zoonotic disease, including but not limited to, parvovirus, canine coronavirus, distemper, Bordetella, giardia and/or campylobacter disease must post a public notice in the store warning consumers to the risk of transmission of such diseases to other pets or humans for two (2) weeks following a positive test and shall notify the Animal Control Department within twenty-four (24) hours of the positive test.
- (K) All commercial animal establishments shall disclose to the prospective buyer in writing, prior to purchase of a dog or cat, puppy or kitten, the following information: purchase price; interest rate associated with any financing or credit card offered to the purchase; full medical history of the animal (including results of the stool test, any additional tests, treatments, surgical procedures, vaccinations, medications and veterinary records for the life of the animal); name, city and state of the breeder; any applicable federal and state license numbers of the dog or cat breeder, broker or transporter.

SECTION TWO

If any section or part of any section or any provision of this Ordinance shall be declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

SECTION THREE

This ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

Adopted this _____ day of _____, 2020

First Reading - the _____ day of _____, 2020

Second Reading - the _____ day of _____, 2020 Yes ____ No ____

GARY W. MOORE,
Judge/Executive
Boone County Fiscal Court

Attest:

Sharon Burcham,
Fiscal Court Clerk