

# USDA to close inspection loophole

Greater oversight of Internet pet breeders sought

By Malinda Larkin

**A** proposed rule issued May 16 in the Federal Register by the Department of Agriculture's Animal and Plant Health Inspection Service calls for greater federal oversight of some large-scale pet breeders currently exempt from the Animal Care program's inspection and licensing requirements.

Wholesale breeders—those who sell to pet stores—are covered by the Animal Welfare Act and, thus, are regulated, licensed, and inspected by the USDA. Retail pet stores are usually supplied by these regulated breeders but are themselves exempt from the act. Currently, large-scale breeders who sell animals over the Internet also meet the definition of a retail pet store under the provisions of the AWA and, therefore, are not obligated to comply with federal animal welfare standards.

The proposed rule substantially narrows the definition of retail pet store so that it “means a place of business or residence that each buyer physically enters in order to personally observe the animals available for sale prior to purchase and/or to take custody of the animals after purchase.”

Therefore, breeders who participate in Internet-only



Courtesy of USDA APHIS

**A Department of Agriculture Animal Care inspector inspects a USDA-licensed dog-breeding facility alongside the facility's owner.**

or other sales without allowing the buyer to personally observe the animal ahead of purchase would be subject to current USDA commercial breeder licensing and inspections. Federal oversight involves

identification of animals and record-keeping requirements as well as compliance with standards related to facilities and operations, animal health and husbandry, and transportation.

In addition, the proposed rule increases from three to four the number of breeding females that small hobby breeders can own and still be exempt from licensing requirements. These breeders can sell only those offspring that were born and raised on-site and sell them only as pets or for exhibition.

On the basis of APHIS' experience with regulating wholesale breeders, the most common areas of regulatory non-compliance at pre-licensing inspections are veterinary care, facility maintenance and construction, shelter construction, primary enclosure minimum space requirements, and cleaning and sanitation. Assuming patterns of noncompliance by retail breeders newly regulated as a result of the proposed changes would be similar to those observed in

pre-licensing inspection of wholesale breeders, APHIS estimates the total cost attributable to the proposed rule may range from \$2.2 million to \$5.5 million.

APHIS expects that this rule would affect primarily dog breeders who maintain more than four breeding females at their facilities. About 1,500 dog breeders are not currently subject to the AWA regulations but would be required to be licensed as a result of this proposed rule, according to APHIS estimates.

“We believe that the benefits of this rule, primarily enhanced animal welfare, would justify the costs. The rule would help ensure that animals sold at retail, but lacking public oversight receive humane handling, care, and treatment in keeping with the requirements of the AWA,” according to background from the proposed rule. “It would also address the competitive disadvantage of retail breeders who adhere to the AWA regulations, when compared to those retailers who do not operate their facilities according to AWA standards and may therefore bear lower costs.”

Critics have argued that the proposed rule would put a hardship on home-based breeders of purebred dogs, espe-

## How to take action

The public was given 60 days—until July 15—to comment on the proposed rule, and comments can be submitted in one of two ways. If submitting by mail, label the comment “Docket No. APHIS-2011-0003” and mail it to Regulatory Analysis and Development PPD APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Comments may also be submitted through the Federal eRulemaking portal at [www.regulations.gov/#!documentDetail;D=APHIS-2011-0003](http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0003).

directly from members of the public concerning the welfare of dogs and other pet animals sold at retail.

Pending in both the House and Senate is the Puppy Uniform Protection and Safety Act, H.R. 835/S. 707, which would require licensing and inspection of dog breeders who sell directly to the public and sell more than 50 dogs annually. S. 707 would also mandate appropriate space and

## “The rule would help ensure that animals sold at retail, but lacking public oversight receive humane handling, care, and treatment in keeping with the requirements of the (Animal Welfare Act).”

### *Background from the USDA APHIS proposed rule*

cially breeders of rare or less-popular breeds who cater to a niche market. Hobby breeders of small pocket pets and large exotics such as ferrets and rabbits also say the new rule would be unduly burdensome for them. That said, of the 758 comments made as of the end of May, most were in favor of the proposed rule.

The USDA's Office of the Inspector General issued a report May 25, 2010, that initially raised concerns about the loophole in the AWA exempting large-scale breeders who sell pets over the Internet (*see JAVMA*, July 1, 2010, page 9). The USDA OIG found that some consumers who purchased dogs over the Internet had encountered health problems with their dogs. In addition, APHIS has received complaints

opportunity for daily exercise for dogs at facilities owned or operated by a dealer.

The PUPS Act incorporated some language from the AVMA's model state bill and regulations intended to promote the welfare of dogs bred and sold as pets (*see JAVMA*, June 1, 2010, page 1143). Although the PUPS Act has many co-sponsors and support, at this point, no action has been taken on it. The AVMA Governmental Relations and Animal Welfare divisions have worked closely with Illinois Sen. Dick Durbin on this issue and are encouraged to see the proposed APHIS rule finally released, said Dr. Whitney L. Miller, an assistant director with the AVMA GRD. 🍷

# Soring criminal case garners national attention

Trainer likely to get probation after guilty plea



Courtesy of the Humane Society of the United States

A horse at Jackie McConnell's Whitter Stables in Collierville, Tenn., waits to be taken away after McConnell, a trainer of Tennessee Walking Horses, was arrested for violating the Horse Protection Act earlier this year.

By Malinda Larkin

A prominent trainer in the Tennessee Walking Horse industry pleaded guilty May 22 to a felony conviction for charges that he violated the Horse Protection Act. Jackie McConnell, 60, along with three of his stable hands who pleaded guilty to related charges, were part of a criminal case involving the soring of horses.

Prosecutors say the men applied prohibited substances, such as mustard oil, to the pastern area of Tennessee Walking Horses to "sore" them so as to produce an exaggerated gait prized by show judges. The conspiracy is alleged to have begun in 2006 and continued through September 2011. The allegations say the violations occurred at the annual National Walking Horse Trainers Show in March 2011, the Spring Fun Show in May 2011, and the Tennessee Walking Horse National Celebration in August and September 2011, all held in Shelbyville, Tenn.

McConnell had racked up more than a dozen suspensions by the Department of Agriculture since 1979 for repeatedly violating the HPA. Because of similar violations,

he was on a five-year suspension from competitions until October 2011.

Named Trainer of the Year by the Walking Horse Trainers Association in 1986, McConnell won the Tennessee Walking Horse World Grand Championship in 1997. But in the wake of his guilty plea, McConnell was suspended for life and kicked out of the Tennessee Walking Horse National Celebration Hall of Fame on May 23.

Part of the evidence used against McConnell and the others came from video footage taken by a Humane Society of the United States investigator during a seven-week period in spring 2011 at McConnell's farm in Collierville, Tenn. The undercover recordings not only show the men applying caustic chemicals to the horses' ankles, but also show them stewarding horses. Stewarding is the term for teaching horses not to flinch when their feet and legs are palpated. The horses were beaten with wooden sticks and subjected to a cattle prod for this purpose. The video can be seen at [www.youtube.com/hsus](http://www.youtube.com/hsus).

McConnell, as well as Jeff Dockery, 54, John Mays, 50, and Joseph Abernathy, 29, were arrested Feb. 29 and charged in a 52-count federal indictment with violations of the HPA by the U.S. Attorney's Office for the Eastern District of Tennessee. Under a plea agreement with federal prosecutors, McConnell will likely avoid prison time. His sentence of probation, which must be approved by a federal judge, is scheduled for Sept. 10. The three other men pleaded guilty to misdemeanor charges related to the case and will likely avoid jail time.

McConnell's case is the third criminal indictment brought against individuals for violating the HPA in 20 years. All three cases have occurred since 2010 (see *JAVMA*, March 15, 2012, page 632).

His case made national news when the HSUS footage was aired as part of an investigative piece on ABC's Nightline May 16. The day after, Pepsi dropped its sponsorship of the National Celebration. Dr. Kurt Schrader, an Oregon veterinarian and member of the U.S. House of Representatives, gave a floor speech against the prac-

tice of soring on May 17. The AVMA Animal Welfare and Governmental Relations divisions' staff assisted in putting together his speech. Video of Rep. Schrader's remarks can be viewed at [www.youtube.com/RepKurtSchrader](http://www.youtube.com/RepKurtSchrader).

McConnell, Dockery, and Mays still face 31 counts of animal cruelty under Tennessee state statutes. The case is pending.

On May 21, Tennessee Gov. Bill Haslam signed into law a bill that creates felony penalties for aggravated cruelty to livestock, including seriously injuring a horse or other animal with acid or chemicals "without justifiable or lawful purpose." Soring and other forms of animal cruelty had been punished as misdemeanors under state law. Officials in the legislature's legal office have said the new bill probably would apply to soring, although the practice is not explicitly mentioned in the legislation.

Visit [www.avma.org/issues/animal\\_welfare/soring\\_in\\_horses.asp](http://www.avma.org/issues/animal_welfare/soring_in_horses.asp) to view the AVMA's resources on soring, including video and a fact sheet. 🐾

## Study indicates serotype, dose affect *Salmonella* shedding

Pigs inoculated with *Salmonella* organisms in a recent study shed the bacteria for various lengths of time, depending on the strain and dose given.

The scientific report "*Salmonella* fecal shedding and immune responses are dose- and serotype-dependent

in pigs" was published in April (*PLoS One* 2012;7:e34660). It notes that subclinical *Salmonella* infection and intermittent shedding increase the difficulty of detecting and controlling the bacteria in pigs. Improving our understanding of patterns and durations of fecal shedding of bacteria and host immune responses could improve screening for *Salmonella* infection and decrease the risk of human infections, the report states.

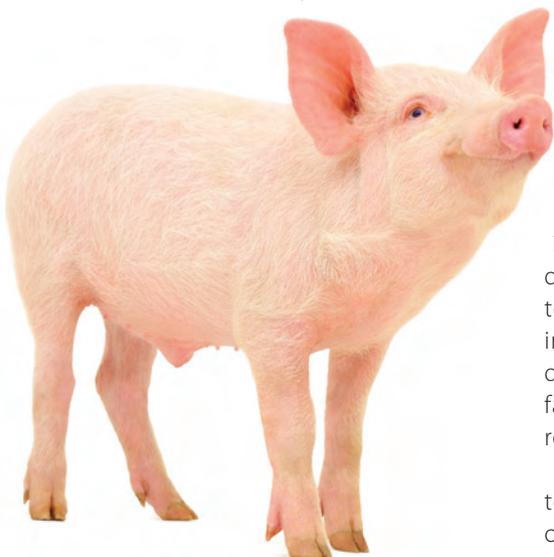
"To improve detection and control of *Salmonella* in live pigs, it is critical to better understand the duration and dynamics of intermittent *Salmonella* fecal shedding and immune response post exposure and during infection, together with the factors that affect these processes," the report states.

Pigs challenged with high doses tended to start shedding *Salmonella* organisms more quickly and spend

more time both continuously and intermittently shedding than did pigs given low doses. Those challenged with *Salmonella* Cubana and *Salmonella* Yoruba also had lengthier episodes of shedding than did those infected with the more-invasive *Salmonella* Typhimurium and *Salmonella* Derby, which are considered to be classic pig serotypes, although pigs challenged with the latter two *Salmonella* serotypes were more likely to temporarily stop shedding the bacteria and to stay infected for longer periods.

"Our results also indicated that compared to *S. Yoruba* and *S. Cubana*, pigs infected with *S. Typhimurium* and *S. Derby* are far more likely to enter the intermittent non-shedding state following the continuous or intermittent shedding states than to recover from these states," the report states.

The report is available at [www.plosone.org](http://www.plosone.org). 🐾



# Viruses found in confiscated primate meat

By Greg Cima

Samples of primate meat confiscated at U.S. airports contained viruses that can cause disease in humans, according to a recent scientific report.

However, the samples were stored in a lysis buffer before testing, preventing the researchers from determining whether these viruses were viable.

Dr. William B. Karesh, who is one of the report authors and the executive vice president for health and policy for EcoHealth Alliance, said the pilot study related to the report showed that illegally imported animal products in airline passenger luggage and postal shipments could provide routes for viruses to enter the U.S. The report indicates the study succeeded in establishing surveillance methods for detecting and identifying zoonotic organisms and for identifying the species of origin for confiscated wildlife products.

The report, "Zoonotic viruses associated with illegally imported wildlife products," was published in January (PloS One 2012;7:e29505). The authors examined samples from wild primate and rodent products seized by employees of the U.S. Customs and Border Protection and U.S. Fish & Wildlife Service between 2006 and 2010 at international airports in New

York, Atlanta, Houston, Philadelphia, and Washington, D.C.

"Illegally imported shipments were confiscated opportunistically and thus the pilot study established only the presence and not the prevalence of zoonotic agents in the specimens," the report states.

Hundreds of thousands of meats and other animal products are seized at U.S. entry ports annually.

For example, more than 46,000 meat products and animal byproducts were confiscated from passenger and crew baggage at six airports in New York and New Jersey alone during the past fiscal year, which ended Sept. 30, according to information provided by Customs and Border Protection. Most of those items were confiscated at John F. Kennedy International Airport, which was one of the sources of samples in the recent study, and at Newark Liberty International Airport.

Dr. Karesh was among researchers who looked for leptospiral organisms, anthrax, herpesviruses, filoviruses, paramyxoviruses, coronaviruses, flaviviruses, and orthopoxviruses in samples taken from what are believed to be tissues from 25 primates and 35 rodents.

Simian foamy virus sequences were identified in tissues of a green mon-

key and three baboons from Guinea, two sooty mangabeys from Liberia, and one chimpanzee from Nigeria, the report states. Two genera of herpesviruses—cytomegaloviruses and lymphocryptoviruses—were found in tissues of four green monkeys and three baboons from Guinea, a greater white-nosed monkey from Nigeria, and a sooty mangabey from Liberia.

"The restricted number of samples included in this study were tested for a limited range of pathogens only and thus presence of additional pathogens not included in this study cannot be ruled out," the report states.

None of the targeted viruses were discovered in tests on rodent samples, most of which were from or suspected to be from cane rats.

The pilot study also didn't target any viruses that cause disease in livestock, although Dr. Karesh said his organization has discussed such testing with the Department of Agriculture.

Increasing numbers of animal products are being brought into the U.S. as international travel increases, Dr. Karesh said. He sees a continued need to use surveillance to study the presence of disease-causing agents in illegal imports. 🍌

## Report says animal management research needed

A report from a science source for food, agricultural, and environmental issues calls for research on connections among animal management, animal health, and food safety.

The commentary published in early May by the Council for Agricultural Science and Technology indicates scientific examination is needed to show the potential effects of chang-

ing U.S. policies on farm practices, including those connected with animal housing and antimicrobial use. The organization lists areas of possible research, including the frequency of subclinical infection at harvest, the human health risk connected with administration of low doses of antimicrobials in food-producing animals, and the consequences of changing

current practices involving farm animals.

Dr. H. Scott Hurd, associate professor and director of graduate education at the Iowa State University College of Veterinary Medicine, is chair of the committee that wrote the CAST commentary. He said the document is most intended for those in Washington, D.C., who create policies on how food

animals are raised and for researchers, who could develop increasingly accurate models and analyses of the effects of policies on raising animals.

"When we make certain animal raising decisions, let's be sure we look at the secondary, unintended consequences," he said.

The report is available at [www.cast-science.org](http://www.cast-science.org). 🍌